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MARIN COUNTY

GRAND JURY

MANUAL



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In California, grand jurors have three basic functions:

1. to weigh criminal charges and determine whether indictments should be returned;
2. to weigh allegations of misconduct against public officials and determine whether to present formal accusations (indicting, filing criminal complaints and
3. to act as the public's "watchdog" by investigating and reporting on the actions of local government.

Currently, in Marin County, the role of these functions is handled by responding to a request grand jury selected from two possible "pay pools". Therefore, in this county, the regular grand jury is a "part-time" jury, serving as its primary role to investigate the performance of local government officials and officers, and to petition for investigative subpoenas and recommendations. It also has the responsibilities of investigating complaints concerning those officials and officers and, in rare instances, to indict persons who are in violation of laws or public officials or officers. It does not have prosecutive authority, or other powers.

It should be noted that, during the term cycles when grand jurors are selected and doing, each grand jury determines its own internal pay-scale and rules for accountability to the public. This should provide some of the structure and information to persons from County grand juries, as well as drawing from the California Grand Jury Association's *Manual for Grand Jurors*. Of course, County's 1988-1990 Grand Jury Handbook and Orange County Grand Jury's *Proceedings Manual and Handbook* (1990).

This manual should be viewed as a general and evolving guide subject to revision by each successive grand jury. Each in its turn, the grand jury should become familiar with its powers and decide what modifications, if any, are needed in the various grand jury procedures.

¹ Conventionally, a grand jury is a group of 12 to 24 persons who are sworn in to investigate and indict persons who are accused of crimes. In California, grand jurors are selected from a pool of names submitted by the public to the county clerk.

² The grand jury's role is to investigate and report on the actions of local government officials and officers. It does not have prosecutive authority, or other powers.

INTRODUCTION

The Marin County grand jury is mandated by Article 1, Section 23, of the California Constitution and is constituted and operates under Title 4 of the California Penal Code; Sections 3060-3074 of the California Government Code; and Section 17006 of the California Welfare and Institutions Code.¹

In California, grand juries have three basic functions:

1. to weigh criminal charges and determine whether indictments should be returned;
2. to weigh allegations of misconduct against public officials and determine whether to present formal accusations requesting their removal from office; and
3. to act as the public's "watchdog" by investigating and reporting on the affairs of local government.

Currently, in Marin County the first of these functions is handled by impaneling a second grand jury selected from the regular jury pool.² Therefore, in this county the regular grand jury is a civil oversight body, having as its primary role to assess the performance of local governmental agencies and officials, and to publish its investigative findings and recommendations. It also has the responsibilities of investigating complaints concerning those agencies and officials, and, in rare instances, to issue *accusations* as a response to findings of willful or corrupt misconduct in office. It does not have legislative, administrative, or police powers.

It should be noted that, although the legal codes state what grand juries are charged with doing, each grand jury determines its own internal procedures and rules for accomplishing its duties. This manual presents some of the concepts and procedures of previous Marin County grand juries, as well as drawing from the California Grand Jurors Association's *Syllabus for Grand Jurors*, El Dorado County's 1998-1999 *Grand Jury Handbook*, and Orange County Grand Jury's *Procedures Manual and Handbook* (June 1998)

This manual should be viewed as a general and evolving guide, subject to revision by each successive grand jury. Early in the term, the grand jury should become familiar with its contents and decide what modifications, if any, are needed to fit the current grand

¹ Constitutionally mandated grand juries which sit for a fixed term (usually one year) are frequently referred to as "regular" grand juries to distinguish them from limited term, special purpose criminal grand juries impaneled pursuant to Penal Code Section 904.6.

² The district attorney may, however, choose to seek an indictment from the regular grand jury, an effort the regular grand jury may seek to resist by requiring the district attorney to seek the impanelment of a special grand jury.

jury's needs. At the end of the term, the grand jury should decide whether these modifications warrant incorporation in the *Marin County Grand Jury Manual*.

OATH OF GRAND JURORS

*"I do solemnly swear (affirm) that I will support the Constitution of the United States and of the State of California, and all the laws pursuant to and in conformity therewith, will diligently inquire into, and true presentment make, of all public offenses against the people of the state, committed or triable within this county, of which the grand jury shall have or can obtain legal evidence. Further, I will not disclose any evidence brought before the grand jury, nor anything which I or any other grand juror may have voted on any matter before the grand jury. I will keep the charge that will be given me by the court"*³.

CHARGE OF THE COURT

To the new Grand Jurors:

You have been selected to serve as members of the Marin County Civil Grand Jury for the coming year. It is my duty under the law to give you instructions concerning your function as a Grand Jury, as well as certain rules of law that apply to your work. The institution of the Grand Jury is of ancient origin. Its use as an instrument of government antedates its introduction into our country during colonial times. It has been continued and used throughout American history.

It is the duty of a Civil Grand Jury to examine local government and the conduct of public officials. You have a right to examine the conduct of county and city governments, their boards, commissions, departments, and bureaus, and to look into the conduct of any elected or appointed official, to assure yourselves, and the public, concerning the stewardship of the public agencies in our county.

The Civil Grand Jury shall also investigate and report on the needs of all county offices, including the abolition or creation of offices and equipment, or the method or system of performing the duties of such offices. It shall serve a copy of its final report to each member of the Board of Supervisors.

³ Quoted from Section 911 of the California Penal Code.

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The Civil Grand Jury, according to a special provision, may inquire into the case of every person imprisoned in the jail of a county on a criminal charge and not indicted. It shall inquire into the conditions and management of the public prisons within the county.

The Civil Grand Jury is not intended to be a super government for this county. The Grand Jury will not interfere with the discretionary policy-making powers of public officials elected by the public or appointed according to law. Only when public officials violate criminal or procedural laws, or abuse their discretion, do they become proper subjects for comment or action by the Civil Grand Jury.

The Civil Grand Jury is a deliberative body. Each individual Grand Juror has the right and the duty to act and vote to the dictates of his or her personal judgment and conscience. Each Juror will give fellow Jurors all information received by that Juror that touches upon the subjects of inquiry, so that subjects may be appraised, further investigated and the relative importance be determined by the Jury as a whole.

There should be adequate discussion concerning the evidence upon which an action is proposed. Do not surrender individual opinion because of the opinions of other Jurors, or for the purpose of reaching a decision. Do not hesitate to change your opinion when, after deliberation, you are convinced your original view was unfounded. Do not let personal pride interfere with a sound result.

The foreperson is the chairperson of the Civil Grand Jury and should, to a considerable extent, guide deliberations and direct investigations. Requests for advice should be made through the foreperson. No committee or individual members should attempt independent investigations without consulting the foreperson. The foreperson may secure advice from the court or the county counsel or district attorney, as to the legality or propriety of any investigation.

It is the responsibility of the foreperson and the secretary to see that meetings are conducted and proceedings recorded in an orderly manner, in accordance with the rules of parliamentary law. There should be an opportunity for full presentation and debate of the question before you.

By reason of your membership on the Grand Jury, you may be approached by individuals who will directly or indirectly seek to engage you in discussions concerning matters under consideration. They may be seeking to learn your views to obtain formation for their purposes. They may attempt to influence you for or against some course of action in which they may be interested. Sometimes they will give you information which they may claim to have, either orally or by letters. It is your duty to be prudent. Keep your own counsel and listen or read with a view to distinguishing between information given in good faith and that which represents special interest groups. If this information seems to involve serious matters and improper motives, report it to the Jury, to the district attorney, or to the presiding judge. The dependability of an informant can best be tested by reminding any informant that he or she can be called upon to give formal testimony on

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the subject before the whole Jury. Become a listener and restrict your conversation concerning Grand Jury matter business to the Jury room. Be on guard. Avoid disclosures or commitments.

You are a member of a body which includes eighteen other individuals. For best results work together, with patience, tolerance, courtesy, and respect. Avoid cliques.

The institution of a grand jury is in a period of change in California. As a result of a 1978 court decision in the case of *Hawkins v. The Superior Court*, the grand jury's responsibility for returning indictments in criminal cases virtually disappeared. Proposition 115, adopted in 1990 by the voters, revised the criminal grand jury system so that grand juries were once again involved in the process of returning criminal indictments. In Marin County, however, criminal indictments are handled by a second, separate, grand jury whose members are randomly selected from the petit jury pool. The civil grand jury's function, therefore, is the civil investigation of government; it is a "citizen watchdog" panel with an agenda of its own choosing. The jury has a dual role: it is both a deliberative body (that is, draws conclusions from evidence), and a fact finding body, not requiring other agencies to collect information for it.

Jurors need to have realistic expectations. The Jury's recommendations in civil matters are not self-executing. The end product of your work over the next year will be a final report delivered to the Board of Supervisors; the recommendations in that report are not binding on the Board. The Board must respond to them, but its judgment and that of other county officials will prevail. Since you cannot force acceptance of your recommendations, the report must speak for itself. It should be clear, accurate and its recommendations should make sense.

It is best to select a limited number of topics for a thorough investigation. Avoid spending time and effort "discovering" things that are already common knowledge.

On this Civil Grand Jury, you represent the public, not yourselves, not any organizations nor any groups with which you may be associated. It is your duty to think at all times in terms of the public interest.

There may be more subjects which will have to be discussed in more detail on other occasions. These are to give you some general ideas concerning your function and your responsibilities, and to give you a few suggestions as guides for your conduct. I will continue to have an interest in this Grand Jury and its having a constructive, successful year.

Presiding Judge of the Court

STRUCTURE OF THE GRAND JURY

Officers

"Each Grand Jury shall choose its officers, except the foreman, and shall determine its rules of proceeding." (Penal Code Section 916)

The slate of grand jury officers varies from county to county. In addition to the officers described in this section, which were used by the 1998-1999 Marin County Grand Jury, future grand juries may elect to consider additional positions, such as a librarian or sergeant-at-arms.

Foreperson

The foreperson is appointed:

"From the persons summoned to serve as grand jurors and appearing, the court shall appoint a foreman. The court shall also appoint a foreman when the person already appointed is excused or discharged before the grand jury is dismissed." (Penal Code Section 912)

Duties and Responsibilities:

1. Acts as official spokesperson of the grand jury.
2. Presides at general meetings.
3. Appoints all committee chairs and also appoints committee members (after meeting and conferring with all grand jury members regarding their preferences).
4. Serves as an ex-officio, non-voting member of all committees.
5. Signs all grand jury reports, accusations and all press releases, with prior approval of at least twelve grand jurors.
6. Maintains an open file of all correspondence.
7. Consults with the presiding judge, county counsel, and district attorney on issues raised by the grand jury and reports back to the grand jury.
8. Works closely with the foreperson pro tempore and utilizes foreperson pro tempore by delegating responsibilities and assignments.
9. Receives complaints and assigns complaints to a committee, which drafts a proposed response for the foreperson's signature.
10. Is involved as circumstances require in the "Removal of Jurors", "Absences of Jurors" and "Personal Differences".

11. Shall represent grand jury at appropriate meetings, functions, conferences, etc. and when unable to participate, shall designate foreperson pro tempore or other designee to represent the grand jury.
12. Provides guidance and training to the incoming foreperson at the end of the term.
13. Should be available for consultation to incoming foreperson, upon request, for a two-month period.

Foreperson Pro Tempore (Pro Tem)

Duties and Responsibilities:

1. Shall serve as presiding officer in the absence of or at the request of the foreperson.
2. In the absence of the foreperson, assumes the foreperson's responsibilities.
3. Assists and advises the foreperson as needed.
4. In the event of a vacancy in the office of the foreperson, the foreperson pro tempore shall act as the foreperson until the presiding judge officially selects a replacement.
5. Provides guidance and training for the incoming foreperson pro tempore at the end of the term.

Secretary

Duties and Responsibilities:

1. Keeps minutes of grand jury general meetings. Minutes include:
 - the date and time convened
 - the roll call, showing those present and absent
 - a record of all motions and actions of the grand jury.
 - Note: the votes of individual members are not recorded; no vote is recorded as unanimous.
2. Submits per diem/mileage records for grand jury general meetings.
3. Provides guidance and training for the incoming secretary at the end of the term.

Archivist

Duties and Responsibilities:

1. Maintains the official file of grand jury reports. [Note: Copies of prior grand jury final reports should never be discarded.]
2. Assigns shelf space for material accumulated by various committees.
3. Maintains the grand jury *Index of Reports* in a form consistent with the California Grand Jurors Association's list of topics.
4. Keeps all records and documents organized for 5 years, space permitting.
5. Provides guidance and training for the incoming archivist at the end of the term.

Complaint Recorder

Duties and Responsibilities:

1. Logs in and creates a separate folder for each new complaint/issue.
2. Assures that signed copies of all correspondence are filed in the appropriate master complaint/issue folder.
3. Places copies of handouts that have been distributed at the full grand jury meetings into absentee's mail folder.
4. Assigns and organizes drawer space for master complaint/issue folders and for each committee's master agenda/minutes file for the year.
5. Purges records that are six years old at the end of the term.
6. Provides guidance and training for the incoming complaint recorder at the end of the term.

Response Coordinator

Duties and Responsibilities:

1. Creates a master file and logs all responses received in the grand jury's term, including the status of the responses.
2. Notifies the foreperson when responses are delinquent.
3. Sends copies to the appropriate committee for evaluation.

Committee Chairperson

Duties and Responsibilities:

1. Schedules and presides over the meetings of the committee.
2. Designates a vice chair.
3. Designates a committee archivist.
4. Designates a secretary.
5. Provides an agenda for each meeting.
6. Evaluates, with the committee, the adequacy of responses received in the term to the final reports and determines appropriate action/recommendation after having consulted with the author or a representative from the previous grand jury's committee.
7. Drafts outgoing letters to be approved by the committee and/or grand jury and signed by the foreperson.
8. Reports on progress of the committee's work to the grand jury.
9. Oversees the report-writing process prior to submitting the report to the editorial committee.
10. Reviews comments/suggestions of the editorial committee and oversees the revisions, if necessary, before submittal to the full grand jury.
11. Consults with the foreperson about any problems obstructing the work of the committee.
12. Is available for a reasonable time, if requested, to provide guidance to the next grand jury.

Committee Secretary

Duties and Responsibilities:

1. Records the attendance and places it in the foreperson's file for signature.
2. Records all minutes and distributes copies into the appropriate members' mail folders prior to the next meeting.
3. Provides guidance and training, if requested, for the incoming committee secretary.

Committee Archivist

Duties and Responsibilities:

1. Maintains a master file of all committee agendas and minutes.
2. Ensures that all relevant correspondence/research results are placed in the applicable master complaint/issue folders.

2. Ensures that all relevant correspondence/research results are placed in the applicable master complaint/issue folders.
3. Places copies of handouts, which have been distributed at committee meetings, into absentee's mail folder.
4. Purges records that are over five years old.
5. Provides guidance and training, if requested, for the incoming committee archivist.

Additional officers to be considered:

Sergeant-at-Arms

Duties and Responsibilities:

1. Ascertains that no unauthorized person is present in the grand jury room during jury sessions or during deliberations or voting.
2. Admits authorized persons, including witnesses, when summoned by the foreperson. Seats witnesses and, when they are dismissed, escorts them from the room.
3. Places an "In Session" sign on the door and closes all doors when the grand jury is in session.
4. Makes certain that the grand jury room is secure at all times.
5. Makes recommendations concerning security matters.
6. Shreds all confidential material discarded by the grand jury.
7. Is responsible for the communications or loud speaker system in the jury room when it is needed for a hearing or a meeting. Answers the telephone when the full panel is in session.

Parliamentarian

Duties and Responsibilities:

1. Serves in an advisory capacity and recommends proper procedure when the need arises, as well as responding to inquiries concerning parliamentary procedural rules.
2. In situations where the law is silent regarding the number of grand jurors required to pass a motion made before a quorum of the grand jury, *Robert's Rules of Order* apply and the Parliamentarian is responsible for advising the foreperson of the applicable rule(s). Those situations where the law requires at least twelve members of the nineteen-member grand jury for passage of a motion are specified under the foreperson's responsibilities (See #5).

Librarian

Duties and Responsibilities:

1. Maintains and updates the file of reference materials.
2. Maintains, updates, and assembles all the documentation on a single subject in an appropriate binder.
3. With the committee chairpersons, prepares the summary sheets of the subjects investigated during the year and file by subject.
4. Logs documents in and out of the library.
5. Maintains a file of appropriate newspaper clippings.
6. Is responsible for filing documents created or acquired by each grand jury committee in the course of its investigation that the committee chairperson considers important to save for future reference.
7. Participates, if requested, in the orientation of incoming grand jurors by familiarizing them with the grand jury library system.
8. Adds to the permanent library collection each year:
 - two copies of the grand jury report;
 - two copies of the responses to the grand jury report;
 - collation of material by subject from one copy of the grand jury report and one copy of the responses to the grand jury report;
 - an updated Frequency of Investigation graph; and
 - other reference materials as requested by the grand jury.

COMMITTEES

Standing Committees

The grand jury can only be effective if all activities are handled by the grand jury as a whole. Therefore, the accomplishments of the grand jury will depend to a great extent upon the work of its committees. These committees are formed by the grand jury as deemed necessary to conduct its investigation work for the year. The committee determines what it will study under its jurisdiction with approval by the full grand jury.

A discussion of the types of committees should occur at the first meetings and decisions made regarding which of the potential types of committees the grand jury will form. One method is to solicit from each grand juror his or her preference for committee assignments, i.e., first, second, and third choices. The foreperson then assigns each grand juror to two committees and selects a chairperson for each committee.

An alternate approach is for the entire grand jury to identify potential areas of study, prioritize them, and then appoint committees to investigate the top ranking subjects. This process could include having small discussion groups of four to five grand jurors making up lists of concerns and issues which are then reported to the full body for the priority process.

Committees function well with five or six members. Each juror should serve on at least two standing committees. It is suggested that no juror be named chairperson of more than one standing committee.

Once committee assignments are made, the committee should discuss meeting times and decide whether a member is designated to take minutes or to handle the need through rotation.

Ad hoc committees may also be formed to work on or investigate specific issues.

The 1998-1999 Marin County Grand Jury formed the following committees:

Administration and Finance

The Administration and Finance Committee investigates matters pertaining to sound administrative and financial practices as they apply to the various county and governmental agencies, including governing bodies, such as:

- County Board of Supervisors
- County Departments
 - ⇒ Auditor-Controller
 - ⇒ Assessor-Recorder
 - ⇒ Treasurer-Tax Collector
 - ⇒ County Clerk-Registrar of Voters
 - ⇒ Human Resources
 - ⇒ Information Services & Technology
 - ⇒ Retirement
- Cities/Municipalities
- Community Service Districts
- Joint Powers Agencies
- Recreation and Parks Districts
- Redevelopment Agencies.

Additionally, the committee may provide oversight for the completion of investigations of county officers, departments and functions as required by law (Penal Code Section 925). This committee may be responsible for soliciting and recommending which firm will conduct the grand jury audit of the county if the grand jury determines that an outside audit is necessary pursuant to Penal Code Sections 925 and 926. The committee should take the initiative in the county budget process as it pertains to grand jury operations.

Education Committee

The Education Committee concerns itself with the administrative functions of educational institutions and public libraries within the county. However, some restrictions apply to school investigations per Penal Code Section 933.5; therefore, the committee may, through the foreperson, consider consulting with County Counsel before launching an investigation. The committee concerns itself with agencies such as:

- City School Districts
- County Office of Education; Superintendent of Schools
- County Library Department
- Public Libraries
- Special schools, which may be coordinated through the county schools and/or the Probation Department, such as day care centers and juvenile educational facilities.

Environment Committee

The Environment Committee considers all matters having an impact on the environment, including areas of public works, roads, levees and property access and agencies such as:

- Animal control
- County Agricultural Commissioner
- County airports
- County Farm Advisor
- County Fire Department
- Fire Districts
- Parks, Open Space and Cultural Services Department
- Public Works Department
- Sanitary Districts
- Sheriff Department: Office of Emergency Services
- Water Districts

Health & Human Services Committee

The Health & Human Services Committee concerns itself with all aspects of health care and social services operations in the county, including:

- Adult and child welfare services
 - ⇒ Adoptions
 - ⇒ Adult protective services
 - ⇒ Child protective services
 - ⇒ Day care centers
 - ⇒ Foster care licensing
 - ⇒ In-home services
 - ⇒ Marin public schools
- County health programs
- Drug and alcohol programs
- Emergency medical services
- Environmental health
- Health and Human Services Department
- Housing Authority Department
- Job development and training
- Medical treatment centers
- Mental health
- Public Guardian Department

- Senior citizens programs
- School health
- Veterans' services

Law & Justice Committee

The Penal Code Section 919(b) requires that the grand jury investigate the condition and management of public prisons within the county and to investigate any possible misconduct by county officers. Although the statute does not require (or authorize) a report on prisons, grand juries traditionally include a section on prisons in their final reports.

The Law and Justice Committee considers all matters concerning civil and criminal justice, law enforcement and penal institutions, such as:

- Coroner
- Complaints by inmates
- Detention facilities
- District Attorney
- Juvenile Hall
- Police conduct
- Probation
- Public Defender
- Sheriff
- Complaints by citizens pertaining to governmental discrimination and bias

Internal Committees

Internal committees are administrative committees which support and expedite the work of the grand jury. They involve no investigative function and their work is generally not reported publicly. Some examples include:

Chairperson's Committee

- Assists the foreperson in planning and prioritizing matters to be brought before the grand jury plenary meetings.
- Serves as a sounding board for committee chairpersons concerning issues and problems that arise at the committee level.

Editorial Committee

- Determines the format (e.g., type face, font size, and appearance) of the grand jury reports.
- Establishes guidelines for the basic structure of final reports.
- Edits draft reports for ease of reading, uniformity of style, and format and makes recommendations to the author(s) and committee for their consideration.
- Handles the compilation of reports into the grand jury's final year-end report and arranges for its publication and distribution.

Planning and Development Committee

- Assesses the adequacy of the training and orientation program and makes recommendations of improvements to the full grand jury. If the recommendations are approved, then they should be forwarded through the foreperson to the Court Executive Officer at the end of the term.
- Maintains a record of procedures adopted by the current grand jury.
- Provides orientation to grand jurors appointed mid-term.
- Revises the *Marin County Grand Jury Manual* at the end of the term to include new procedures.
- Undertakes tasks that will enhance the efficiency of grand jury protocol and internal operational procedures.

Social Committee

- Plans and organizes social events for grand jury members and liaisons, e.g., parties and luncheons.

Report Response Committee or Coordinator

- Reviews the responses to the prior grand jury's final reports and makes recommendations on follow-ups.
- If there has been no response or if the response is not in compliance with the Penal Code, prepares a letter for the foreperson's signature requesting a response in the mandated format.
- Maintains a record of responses.

While the following committees were not used by the 1998-1999 Marin County Grand Jury, future grand juries may consider forming these committees as well:

Steering Committee

Consists of the foreperson, foreperson pro tempore, secretary, and librarian and serves collectively as the steering committee on governance and internal affairs.

- Establishes, maintains, and continuously assesses the effective governance, clear direction, and ongoing productivity of the grand jury and component committees.
- Provides positive support to each officer, each committee chairperson, and each individual member in his or her effort to carry out sworn grand jury duties and obligations.
- Fosters and protects, at all times and in every circumstance, the integrity, stability, and effectiveness and credibility of the grand jury.
- Provides for the timely consideration and discreet resolution of internal dissension, personal disputes, organizational conflicts which do or may disrupt the diligent pursuit of the grand jury's public mission. This would include provision of process whereby complaints or challenges against any officer, chairperson, or member must be promptly heard, considered in good faith, and mutually resolved. If mutual resolution is not possible, a timely report and recommendation must be made by the committee to the full grand jury membership for final disposition. In the event of an unresolved complaint or challenge to the incumbency of a foreperson, any action taken thereon by the full grand jury shall be advisory to the Presiding Judge, who holds final authority.
- Coordinates the calendar.
- Monitors the grand jury budget.

Public Relations Committee

- Organizes speaking engagements to civic, fraternal, school, and college groups.
- Extends outreach to groups who are less represented on the grand jury.
- Encourages grand jurors to write letters to friends about the grand jury.
- In conjunction with the foreperson, contacts the media and acts as a spokesperson.
- Reviews all informational material concerning the grand jury sent to the general public and recommends revisions where necessary.

State or Local Contact Committee

- Maintains contact with the California Grand Jurors Association (CGJA) and reports on the practices of other grand juries which could assist the grand jury's work.
- Reports to the grand jury concerning any state, county, or city legislation that affects the grand jury's function or operations.

District Attorney

- Receives information and advice on criminal matters or investigated subjects of the report of the grand jury, transmitted through the Sheriff's Office (Petal Code Section 11112).
- If the grand jury concludes that money is owed the county and has not been collected, it may order the District Attorney to collect legal claims (Petal Code Section 11112).
- Advises the grand jury, through the Sheriff's Office, as to whether any money, city or county, affects the subject information in the report.

LIAISON

The grand jury has special relationships with the following officers in the county:

Presiding Judge of the Superior Court

- Interviews, selects, impanels, and charges the grand jury with its duties.
- Appoints the grand jury foreperson.
- Ensures, in consultation with the District Attorney, County Counsel and at least one former grand jury member, that the grand jury receives training.
- Consults with and advises the grand jury on request of the grand jury, transmitted through the foreperson.
- Requests resignations of grand jurors for cause.
- Reviews the final reports and the governmental responses to the final reports for compliance with the law.
- Issues court orders and/or subpoenas on all appropriate matters.

District Attorney

- Gives information and advice on criminal matters or interrogates witnesses at the request of the grand jury, transmitted through the foreperson. (Penal Code Section 935).
- If the grand jury concludes that money is owed the county and has not been collected, it may order the District Attorney to institute legal action (Penal Code Section 932).
- Receives from the grand jury, through the foreperson, accusations against any county, city or district officer for corrupt misconduct in office.

County Counsel

- Serves as the civil legal advisor to the grand jury, as well as to all county departments, offices and commissions, some of the school districts in the county, and a number of special districts.
- Advises the grand jury on questions of the legality in investigating civil matters.
- Reviews the grand jury's final reports, prior to publication, for liability and consistency with the grand jury's statutory authority.
- County Counsel is bound by the secrecy restrictions on grand jury matters.

[Note: Should the grand jury find that a client/privilege conflict exists with County Counsel, the grand jury should seek advice from the Presiding Judge, District Attorney, Attorney General, or engage private counsel, if available. However, the expense for the Attorney General or special counsel must be borne by the county, unless sufficient funds exist in the grand jury's budget, which may require a special appropriation.]

Court Executive Officer

- Oversees the grand jury *Orientation and Training* program.
- Oversees the administrative functions of the grand jury.

Chief Administrative Officer (CAO)

- As an agent of the Board of Supervisors, has general authority and control over all county departments and functions.
- Serves as a knowledgeable source of information regarding the county government's budget, administrative functions, policies and practices.

California Attorney General

- Available for advice and assistance, particularly if there is a conflict of interest on the part of the local legal advisors. The grand jury may make the request for assistance from the Attorney General's Office in writing.

OPERATIONS

Establishing the Organizational Structure

"When the grand jury is empaneled and sworn, it shall be charged by the court. In doing so, the court shall give the grand jurors such information as it deems proper, or as is required by law, as to their duties, and as to any charges for public offenses returned to the court or likely to come before the grand jury" (Penal Code Section 914(a)).

"From the person summoned to serve as grand jurors and appearing, the court shall appoint a foreman ..." (Penal Code Section 912).

"Each grand jury shall choose its officers, except the foreman, and shall determine its rules of proceeding. Adoption of its rules of procedure and all public actions of the grand jury, whether concerning criminal or civil matters unless otherwise prescribed in law, including adoption of final reports, shall be only with the concurrence of that number of grand jurors necessary to find an indictment pursuant to Section 940 ..." (Penal Code Section 916).

When last year's grand jury has been discharged, the current grand jury has been impaneled, a foreperson appointed by the court and the grand jury has received the "Charge by Court", it is time to begin the work of the new grand jury.

The newly impaneled grand jury will initially meet intensively in order to become acquainted and to discuss and adopt procedures and rules. It is to be expected that as situations arise during the course of the grand jury's term, these procedures and rules may require clarification or revision and new procedures, rules, or guidelines may be adopted as well.

Introductions

It is helpful to have the members of the newly formed grand jury spend a few minutes as a group introducing themselves by providing a short biographical sketch of their background, experience, education, and interests.

Housekeeping

- Issue keys to grand jurors for access to the Grand jury Room (#245) in the Law of Justice wing at the Marin County Civic Center.
- Determine plenary grand jury meeting days and times.
- Issue temporary name tags. Grand jurors will receive an official identification card.
- Issue parking permits.
- Order business cards.
- Discuss per diem, mileage, and expenses guidelines.
- Familiarize grand jurors with their new work environment.

[Note: Most of these subjects will be covered by the grand jury's administrative assistant during orientation and training.]

Orientation and Training Program

"To assist a grand jury in the performance of its statutory duties regarding civil matters, the court, in consultation with the district attorney, the county counsel, and at least one former grand juror, shall ensure that a grand jury that considers or takes action on civil matters receives training that addresses, at a minimum, report writing, interviews, and the scope of the grand jury's responsibility and statutory authority." (Penal Code Section 914(b)).

The goals of orientation and training are:

- To inform grand jurors of their duties and rights.
- To help the grand jury determine the procedures to follow to accomplish its goal.
- To help grand jurors begin to develop the skills needed to work effectively.

The program typically includes speakers from county departments who play a major role in the operations of the grand jury, as well as former members of the grand jury, such as the foreperson, selected committee chairpersons, and non-chairpersons. After the orientation, they will be available for future consultations as necessary to clarify the process, answer questions, or provide guidance on planning interviews, researching issues, or determining how the county government performs particular tasks.

These speakers may include:

- Presiding Judge
- District Attorney
- County Counsel
- County Administrative Officer (CAO)
- Court Executive Officer
- Other agency heads and elected officials
- California Grand Jurors Association representative

In the course of the grand jury's term, additional needs and areas of interest may surface which may warrant additional speakers. It is highly recommended that individual members of the Board of Supervisors be invited to address the grand jury during their term. In all cases, it's helpful for the speaker to be provided with a list of topics to cover that is of particular interest to the grand jury.

The first ten alternate jurors drawn at the time of impanelment should also be invited to participate in the orientation and training program.

There are at least two statewide grand jury training seminars in California. If the grand jury budget includes sufficient funds to cover such training, grand jurors who are interested in receiving this training may apply.

Review of Grand Jury Manual, Reports, Directories

The *1998-1999 Marin County Grand Jury Manual* and a copy of the previous grand jury's *Final Report* will be provided to the grand jury prior to the first meeting. It is highly recommended that every grand juror read each of the documents provided as soon as possible and refer to them frequently throughout the term of their appointments.

Directories, with phone numbers, addresses, and e-mail addresses, of all members of the grand jury will be of benefit for new grand jurors and should be provided at the first meeting. A directory of county officers is also available in the grand jury room.

A useful and concise description of Marin County's budgetary process, County departments, commissions, and other governmental agencies is contained in a small brochure published by the League of Women Voters titled, *Your County Marin: A Citizen's Guide to Your County Government*. All grand jurors should have a copy, since the material can often answer questions that surface in the course of the grand jury's term.

Review of Resource and Legal Files

The file room is a locked room within the grand jury room. It contains files of investigative subjects and complaints from prior years. These files are retained for at least five years.

A review of the existing files can assist grand jurors in determining what issues have been investigated in past years and how investigations are conducted. They also can be a good source of background information by identifying key players in government operations and providing an historical context.

It is recommended that grand jurors refer to these files, as well as the *Index of Final Reports*, to determine whether an issue or question has previously been addressed or answered and whether it might be timely to revisit a topic or an agency which had been investigated in prior years. To the extent that the question is a legal one that has already been answered in a prior legal opinion, it is recommended that the grand jury consult with the County Counsel or District Attorney, whichever office authored the opinion, to determine if the opinion is still valid.

Confidentiality

All grand jury proceedings are secret. This rule of secrecy is designed to protect the public interest and to protect the integrity of the grand jury. The grand jury is a body of citizens that is empowered to investigate and to recommend prosecution. The grand jury is a body of citizens that is empowered to investigate and to recommend prosecution. The grand jury is a body of citizens that is empowered to investigate and to recommend prosecution.

The law provides that each grand juror must keep secret all matters which come before the grand jury, including but not limited to the grand jury's deliberations and its recommendations. This rule of secrecy is designed to protect the public interest and to protect the integrity of the grand jury.

The grand jury is a body of citizens that is empowered to investigate and to recommend prosecution. The grand jury is a body of citizens that is empowered to investigate and to recommend prosecution. The grand jury is a body of citizens that is empowered to investigate and to recommend prosecution.

A grand juror must not divulge any information concerning the proceedings of the grand jury to any person other than the other grand jurors. "Leaking" information concerning grand jury proceedings is a crime under the law.

GENERAL INFORMATION

Self Determination

Each grand jury determines its own rules of procedure. Adoption of these rules and final reports requires the concurrence of at least twelve grand jurors.

Public Statements

The grand jury “speaks with one voice”, through the foreperson (or his/her designee) in a manner consistent with the final reports issued by the grand jury.

There may, at times, be great temptation for individual grand jurors to follow up, debate, or confront public officials concerning the substance of a published grand jury report. This temptation must be resisted. Instead, the grand jury, in plenary session, can decide whether it is appropriate to issue a public response, take up the issue by way of a new study, or otherwise respond to public officials concerning the substance of a grand jury report.

Confidentiality

All grand jury proceedings are secret. This rule of secrecy is designed to guard the public interest and to protect the innocent. Members of the grand jury are sworn to secrecy, thus assuring all who appear before them of confidentiality. The minutes and records of grand jury meetings cannot be subpoenaed or inspected by anyone. Matters before the grand jury should *never* be discussed, even with closest relatives or associates.

The law provides that each grand juror must keep secret all evidence adduced before the grand jury, anything said by a grand jury or the manner in which any grand juror may have voted on a matter (Penal Code Section 924.1).

The grand juror’s promise or oath of secrecy is binding while serving as a current grand juror, as well as after service as a grand juror. By law, it is a misdemeanor to violate the secrecy of the grand jury room. Successful performance of grand jury duties depends upon the secrecy of all proceedings.

A grand jury must not divulge any information concerning the testimony of witnesses or comments made by other grand jurors. “Leaks” concerning grand jury proceedings inevitably impair or even destroy the effectiveness of the entire grand jury and might be

evidence in a libel suit against the grand juror and possibly the entire grand jury. Particular regard should be paid to protecting the confidentiality of interviewees and complainants. Reports should be written in such a way that an interviewee cannot be identified.

While conducting interviews or making field trips, grand jurors must not discuss or reveal any information regarding grand jury business, plans, or investigations. Only the entire grand jury may release information with a quorum vote, through its designated spokesperson, which is usually the foreperson.

To preserve privacy and confidentiality, the grand jury room should be locked at all times when it is not in use for meetings and sensitive, unwanted documents should be shredded.

Conflict of Interest

Conflict of interest laws are based on the notion that government officials owe complete loyalty to the public interest and that personal or financial considerations on the part of government officials should not be allowed to enter the decision-making process.

Grand jurors should not vote on, nor attempt to influence, matters in which the grand juror has a vested or economic interest. Any such conflict of interest, including that of the foreperson, should be taken into consideration before the case is studied.

- *Common Law*: Common law conflict of interest includes instances in which a grand juror has a personal involvement or is not an impartial third party.
- *Economic*: Economic interest involves financial interests of grand jurors.

Before each investigation, each grand juror should consider answering the following basic financial questions:

- “Do I, or any member of my immediate family, have a financial interest which directly or indirectly concerns any matter taken under advisement by the grand jury?”
- “Is the financial interest “material” of any amount specified in the codes?”
- “Will I, or any member of my immediate family, profit or lose financially by a grand jury action or inaction in a way different from the way a member of the general public would?”

There may be occasions when County Counsel has a conflict of interest in regard to the legal review of a grand jury report. In such cases, the report will generally go to the Presiding Judge for legal review.

It is important to be aware that the appearance of a conflict or potential perception of a conflict may undermine grand jury credibility even if no conflict actually exists.

Political Activities

No grand juror should use the name of the grand jury in endorsements of or in opposition to any candidate for public office or any ballot measure. Grand jurors should exercise appropriate discretion to be sure there is no possibility that the grand jury can be construed to have an opinion on any election issue.

Libel

The grand jury's statements are not privileged. Members of the grand jury are not immune from suits for libel, defamation of character, except when a grand jury brings a formal accusation. However, all reports are submitted, prior to publication, for the County Counsel's review for liability and consistency with the grand jury's statutory authority.

Holdover Jurors

The duties and responsibilities of holdover grand jurors are the same as all other members. No special consideration of status should accrue to a holdover juror or a juror who has served a previous term. Since each grand jury defines its own procedures and determines its own scope of interest, grand jurors who have served previous terms should be circumspect about insisting on how matters should be handled. (Penal Code Section 901(b)).

Rules of Procedure for Conducting Meetings

Each grand jury decides for itself what procedures to follow during full panel meetings for the timely and equitable disposition of business at hand (Penal Code Section 916). While a certain amount of structure is necessary, no rules should be adopted that restrict full and open discussion.

The following rules have been successfully used by other grand juries:

- The foreperson preserves order, speaks on points of order in response to members, and decides questions of order, subject to appeal.
- When any member is about to speak, he or she addresses the foreperson and confines the comments to the questions under discussion.
- Every motion and second is recorded in the minutes. Its adoption or rejection is also included in the minutes.
- When a question is under debate, no other motion or proposal is received except a motion to adjourn, to lay on the table, to postpone to a certain time, to refer to a committee, to amend, or to postpone indefinitely.
- If at any meeting a member doubts the decision of a vote, he or she may call for a roll call vote.
- No person is allowed to speak on the same subject more than once until all members who wish to speak have done so. The person may then speak a second time, a privilege that is then extended to all members.
- No issue should be considered by the grand jury without having been first referred to a committee for study and report, except by consent of two-thirds of the members present that the grand jury wishes to act as an ad hoc committee to consider a specific matter.
- The rules may be suspended at any meeting by a vote of two-thirds of members.
- If questions arise that are not covered, *Roberts Rules of Order* will prevail.

Meeting Agenda

- Convene promptly at the hour and place designated.
- Call to order.
- Roll call by the secretary or circulation of an attendance record.
- Read, correct, and approve the minutes of the previous meeting.
- Reorder, add or delete agenda items.
- All written communications are either read aloud or made available for perusal and referred to the appropriate committee for necessary action.
- Grand jurors should report any relevant personal contact information to the grand jury.
- Hear committee reports.
- Conduct unfinished business.
- Conduct new business.

- Adjournment.

Quorum

A grand jury may function legally only when officially in session with a quorum present. The number necessary for a quorum for the transaction of business is detailed in Penal Code 940. In Marin County, twelve members constitute a quorum.

Collegiality

In all deliberations, grand jurors have equal rights and responsibilities. No juror may discourage other jurors from satisfying themselves fully with the evidence before casting a vote. Jurors should not exert undue pressure on others to change their minds. A juror should be able to express his/her opinions and views calmly, emphatically, and reasonably. Only one juror should speak at a time during general meetings. While a speaker has the floor, jurors should not engage in side conversations.

Grand jury meetings should allow sufficient time for all members to express their opinions. All members may request votes on any topic being discussed. Each juror should carefully consider the views and opinions of fellow jurors.

Holdover or carryover jurors have no more authority or responsibility than newly appointed jurors. The second-term juror has, however, the added responsibility of not being dominating or condescending toward fellow jurors.

Personal Differences

An attempt to resolve personal differences should first be made by the grand jurors involved. If they cannot resolve their differences, they should request that the foreperson, or some other mutually acceptable third grand juror, mediate the problem. If the differences become disruptive in any way to the work of the grand jury, the foreperson should intervene. If the differences persist, the foreperson, or one or more grand jurors, should bring the conflict to the attention of the Presiding Judge.

Attendance Requirements

Grand jurors are expected to make a diligent, good faith effort to participate fully in all of their assigned committee activities, meetings, and formal proceedings of the grand jury.

Jurors may be excused when unavoidable and unexpected pressing personal business or family matters require their attention.

Attendance for each juror must be regular and punctual. A juror must obtain permission to be excused from grand jury meetings or activities that he or she is scheduled to attend. A juror who must be absent should notify the foreperson as soon as possible. The court may impose a fine up to \$50 for failure to attend meetings without reasonable cause.

Vacations will be allowed during the year. A juror should request, in advance, to be excused by speaking to the foreperson and by placing the juror's name on the vacation calendar for the days on which the juror plans to be absent. Every effort should be made to avoid conflicts with the juror's scheduled committee meetings.

Grand jurors who absent themselves from three or more of the above-referenced proceedings without prior authorization from the foreperson or committee chairperson will be contacted by the foreperson regarding their intent to fulfill their grand jury responsibilities. It is recommended that the grand jury develop a policy regarding attendance at the onset of the term.

Resignations

A grand juror who, for any reason, must resign from the Grand jury should do so in writing. The resigning juror is obligated to turn over the *Marin County Grand Jury Manual*, meeting room key, and all committee records and reports pertinent to matters under investigation. This includes any personal notes on confidential matters, as well as notations regarding interviews.

Replacement of Jurors

It is advisable to replace a grand juror who leaves, resigns or is taken by death with one of the alternate grand jurors in order to keep the number sufficient for a quorum. This, however, is not mandated by state or county law. Any such replacement must be advised that he or she cannot vote on any issue on which he or she does not have firsthand knowledge.

If the foreperson leaves for whatever reason, the foreperson will be replaced as quickly as possible by the Presiding Judge.

Removal of Jurors

Grand jurors may be removed by the Presiding Judge for cause, including excessive absenteeism. Request for removal may be made to the Presiding Judge by the foreperson or a number of grand jurors agreed upon by the grand jury. The Presiding Judge may meet with the grand juror in question and may recommend to the grand jury measures that should be taken to resolve the problem. The Presiding Judge may also request that the grand juror resign.

Meeting Times

Serious consideration should be given to agreeing upon grand jury meeting times which will accommodate the needs of grand jurors.

Holidays

Grand jury meetings are not normally held on holidays observed by the county.

Compensation of Jurors

A grand juror may request compensation at the rate of \$10 per day for each day of service. A day of service means:

- Attending scheduled meetings
- Interviewing witnesses when the meeting involves at least two grand jurors and lasts at least two hours
- Other activities as approved by the foreperson

A grand juror shall be compensated for mileage at the county rate for round trip transportation to meetings, interviews, and investigations as required to do the work of the grand jury.

Parking and tolls, if any, are paid at the actual expense incurred. Whenever possible, charges should be supported with a receipt. Any other necessary travel expenses, such as lodging and meals, are compensated at actual cost when supported by a receipt and prior approval is obtained.

Supplies and equipment not provided by the county should be approved in advance by the foreperson and ordered from approved county vendors using the normal county purchasing process.

If an emergency exists that precludes advance approval, the purchase should be made but at the lowest available cost under the circumstances. A receipt should be obtained and submitted with a voucher for reimbursement to the foreperson for approval. The voucher should include a statement of the circumstances that precluded advance approval.

No other compensation for a grand juror's time or expenses is allowed.

Any request for deviation from this policy should be made in advance to the Presiding Judge through the foreperson. Unless the Presiding Judge approves the expense or the obligation being incurred, there will be no reimbursement or compensation.

Power of Inquiry

The grand jury has been empowered by the Legislature to investigate a number of different subjects within the county. As set forth in Penal Code Sections 913 and 913.1, and according to various provisions, are directed to review those matters in furtherance of the work of the grand jury system.

Citizens' Complaints

Every grand jury receives numerous communications from citizens, civic groups and government employees relating to government. Although the Penal Code sets the limits, the grand jury acts as arbitrators, the grand jury acts, and frequently does, keep into government and community as part of its duties. One responsibility will receive matters and what the grand jury has in jurisdiction.

Complaints should be used to submit these complaints by writing on the form provided. However, the grand jury may accept a complaint in any form, even verbally, without any writing. Complaints should not be used to hold anyone responsible for the failure of the grand jury to perform.

It is important to remember that as stated in the Penal Code, the grand jury may accept complaints that the "State may" accept. The grand jury may accept complaints that are submitted and estimated prior to the grand jury's investigation.

STUDIES AND INVESTIGATIONS

Required Studies

The grand jury is required by statute to inquire into three areas:

1. Operations, accounts, and records of the officers, departments, or functions of the county or special legislative district. Refer to Penal Code Section 925 for a complete description.
2. The conditions and management of the public prisons within the county. These are San Quentin and the county jail (Penal Code Section 919(b)).
3. The willful or corrupt misconduct of public officers (Penal Code Section 919(c)).

Powers of Inquiry

The grand jury has been authorized by the legislature to investigate a number of different activities within the county, all set forth in Penal Code Sections 918 through 933. After orientation, committees are advised to review these statutes to become aware of the extent of the grand jury's powers.

Citizens' Complaints

Every grand jury receives numerous communications from citizens, civic groups and government employees relating to grievances. Although the Penal Code does not assign the grand jury duties as ombudsman, the grand jury may, and frequently does, look into grievances and complaints as part of its duties. Other complaints will concern matters over which the grand jury has no jurisdiction.

Complainants should be urged to submit their complaints in writing on the form provided. However, the grand jury may accept a complaint in any form, even verbally, and/or anonymously. Anonymous complaints can be considered based upon the merit of the factual information provided.

If a complaint is received from an inmate from San Quentin, the grand jury may request verification that the "Form 602" appeals process (the internal grievance process) has been exercised and exhausted prior to investigating the complaint.

Complaints may be handled as follows:

- Upon receipt of a signed complaint, along with any supporting material, the foreperson announces, by placing an item on the agenda of the next plenary grand jury meeting, that a complaint has been received. It is then assigned to the appropriate committee for investigation, if deemed necessary.
- Unsigned complaints may be considered by jury consent, but are often disregarded since there are no means to obtain further evidence or follow-up interviews. If of a serious, criminal nature, consult the Presiding Judge or District Attorney for advice.
- Number the complaints consecutively as they are received.
- Maintain a file open to all grand jurors containing the original letter or statement of complaint. The file should also contain all letters and reports related to the complaint, such as a copy of the letter sent to the complainant acknowledging the complaint, committee action notes and follow-ups, and a final letter of response to the complainant. The complaint file should be kept in the grand jury room at all times.
- The grand jury is not required by law to accept or act on every complaint or request. When a committee receives an item for study it must first decide whether or not to conduct an investigation. Rejection of a complaint may be for the following reasons:
 - ⇒ Complaint has no merit.
 - ⇒ Complaint appears to be politically motivated.
 - ⇒ Complaint involves issues in a current election campaign.
 - ⇒ Complaint involves a complainant who should seek legal advice or a resource through other channels.
 - ⇒ Complaint may currently be subject to either criminal or civil litigation.
 - ⇒ Complaint is not within the grand jury's purview.
 - ⇒ Complaint involves agencies outside the county jurisdiction.
 - ⇒ Complaint requires more resources than the grand jury has at its disposal.

- The assigned committee completes its preliminary inquiry and reports its findings and recommendations to the entire grand jury for action or resolution which are then, by majority vote of the grand jury, rejected or accepted.
- Within 10 days, earlier if possible, the committee chairperson drafts a letter to the complainant for the foreperson's signature stating the action that will be taken:
 - ⇒ The case may be closed due to insufficient evidence to substantiate the claim.
 - ⇒ The committee may evaluate the complaint using criteria it would apply to any potential investigative subject.
 - ⇒ A final report may be written and filed with the court and subject to official public response.

Complaints, whether or not acted upon, frequently aid the grand jury in identifying areas of government in which citizens have concerns and problems.

A perpetual journal of complainant names should be maintained in the grand jury's library for compiling frequency of various complaints.

Internal Studies

Aside from the three required areas of inquiry referred to earlier, the grand jury alone decides what governmental entities and issues it wishes to investigate throughout its term.⁴ It should consider the frequency of past investigations by prior grand juries using a frequency of investigation chart or an index of past grand jury report subjects. This information may assist the grand jury in selecting areas for investigation and can save time and duplication of effort.

Depending upon the adequacy of response to the previous grand jury's report, the current grand jury may request a meeting with previous grand jurors to discuss their work, particularly if there are ongoing concerns. These discussions may lead to a decision to conduct a follow-up study.

On occasion, grand jury members may find that a specific goal can be achieved through discussions with county officials without writing a formal report. Since this process may

⁴ If it is asked to handle an indictment request by the district attorney, it may insist that the district attorney seek to obtain the impanelment of a special grand jury pursuant to Penal Code Section 904.6.

save many hours involved in producing a final report, it may warrant consideration as an alternative.

The following *Criteria* and *Factors to Consider* may be used when contemplating investigative subjects:

Criteria:

- **Jurisdiction:** Is this issue within the grand jury's jurisdiction? If in doubt, seek the advice of the Presiding Judge, County Counsel or District Attorney.
- **History:** Has the issue been sufficiently studied and investigated by the grand jury and/or other interested groups? If so, when, how many times, and what was the outcome?
- **Practicality:** Is the issue really practical or "doable"?
- **Overall importance or urgency:** Is the issue truly important and/or urgent?

Factors to Consider:

- **Generic:** Is the issue generic or specific to an isolated situation or constituency only?
- **Resources:** Does the issue involve expertise present in the grand jury?
- **Benefits:** What are the benefits to be derived?
- **Risks:** What are the risks of pursuing the issue?
- **Size/Complexity:** Is the size and/or complexity manageable?
- **Time Frame:** Is there sufficient time to pursue the issue?

The Investigation Process

Two or more members are asked to analyze whether a suggested study is within the scope of the grand jury's jurisdiction and what additional steps will be needed if the study moves forward. Ideally, the members who have the most background and interest in the issue should perform the analysis.

The members who have completed the analysis would then present their research and conclusions to a committee or the full grand jury. If their recommendation is to conduct an investigation, then a *Request for Approval of an Investigation* is completed.

The key elements of the *Request for Approval* are:

- **Issue:** Describe the problem or concern.

- **Objective:** What does one hope to accomplish?
- **Motivation:** Why is this a good idea or a reasonable goal?
- **Plan of Action:** How is the investigation going to be conducted?
(Interviews, research, etc.)

Approval of at least twelve members of the grand jury is required to begin a formal investigation. A study team is then formed to lead the investigation.

The following outline may be used by a committee in conducting an inquiry or investigation:

1. Determine the committee members who will champion the study, which should consist of at least two members.
2. Determine the legal responsibilities of the subject official, department, office, organization or group as appropriate and examine state statutes and local ordinances prescribing the authority, responsibilities, and constraints relating to the entity involved.
3. Research/review applicable documents, procedures, manuals, and related correspondence.
4. Determine what the subject official, agency or entity in question is currently doing.
5. Clearly define the problem or concern.
6. Develop a detailed list of questions that will achieve the level of information needed to complete the study.
7. Schedule interviews with key personnel and, when appropriate, other knowledgeable persons. The interview should consist of at least two members of the committee. Additional visits may be scheduled or made unannounced as deemed appropriate. Interview notes should be taken and distributed to committee members.
8. Determine functional strengths and weaknesses.
9. Gather as much information as possible.
10. Be objective and refrain from making assumptions or jumping to conclusions.
11. Analyze the information gathered and develop findings of fact that are irrefutable. It is wise to date findings involving numbers or monetary amounts that are subject to change. It is also recommended that a folder be developed for each finding that contains the source of information leading to the particular finding.
12. Don't hesitate to ask the question "why?".
13. Discuss the findings with the committee and decide whether the facts warrant publishing a report.
14. Develop conclusions and recommendations that are relevant to the agency in question and realistic with regard to funding implementation.

15. Avoid recommendations of a vague or general nature. Be specific.
16. Facts gathered in the course of the investigation and interviews should be discussed for verification/accuracy with the head of the organization involved prior to finalizing and publishing the report. Refutable and/or unsupported findings in a final report undermine the credibility of the entire report. Conclusions and recommendations of the grand jury should not be discussed with government agencies before the report is finalized.

LEGAL CONSIDERATIONS

Responsibilities and Powers of the Grand Jury

The grand jury's responsibilities and powers are expressed in Chapter 4 of the California Penal Code (PC), Sections 3060(ff) of the California Government Code (GC) and Section 17006 of the California Welfare and Institutions Code (W&I).

There are four responsibilities specifically *required* of the grand jury and a wide scope of *permitted* ones.

Required responsibilities all begin with "*the grand jury shall ...*"

1. PC 919(b) "*... inquire into the condition and management of the public prisons within the county*".
2. PC 919(c) "*... inquire into the willful or corrupt misconduct in office of public officers of every description within the county*".
3. PC 925 "*... investigate and report on the operations, accounts and records of the officers, departments, or functions of the county including those operations, accounts and records of any special legislative district or other district in the county created pursuant to state law for which the officers of the county are serving in their ex officio capacity as officers of the districts. The investigations may be conducted on some selective basis each year*".
4. PC 933(a) "*... submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters*".

Permitted areas of action all begin with the words "*the grand jury may*":

1. PC 919(a) "*... inquire into the case of every person imprisoned in the jail of the county on a criminal charge and not indicted.*"

2. PC 920 *"... investigate and inquire into all sales and transfers of land and into the ownership of land, which, under the state laws, might or should escheat to the state of California."*
3. PC 925(a) *"... examine books and records of any incorporated city or joint powers agency located in the county ... (and may) investigate and report upon the operations, accounts and records of the officers, departments, functions, and the method or system of performing the duties of any such city or joint powers agency and make such recommendations as it may deem proper and fit".*
4. PC 927 *"... may, and when requested by the Board of Supervisors shall, investigate and report upon the needs for increase or decrease in salaries of the county elected officials. A copy of such report shall be transmitted to the Board of Supervisors."*
5. PC 928 *"... investigate and report upon the needs of all county officers in the county, including the abolition or creation of offices and the equipment for, or the method or system of performing the duties of, the several offices".*
6. PC 932 *"... order the district attorney of the county to institute suit to recover any money that, in the judgment of the grand jury, may from any cause be due the county."*
7. PC 933.5 *"... examine the books and records of any special purpose assessing or taxing district located wholly or partly in the county or the local agency formation commission in the county, and ... may investigate and report upon the method or system of performing the duties of such district or commission".*

8. PC 933.6 *"... examine the books and records of any nonprofit corporation established by or operated on behalf of a public entity, the books and records of which it is authorized by law to examine, and may investigate and report upon the method or system of performing the duties of such nonprofit corporation."*
9. W&I 170.06 *"... inquire into welfare records pertaining to the investigation, supervision, and relief and rehabilitation of welfare recipients."*
10. GC 3060 *"... (present) an accusation in writing against any officer of a district, county, city, including any member of the governing board of personnel commission of a school district, for willful or corrupt misconduct in office ..."*

To assist the grand jury in carrying out the above mandated and permitted activities, the penal code contains the following additional provisions:

1. PC 921 *"Is entitled to free access, at all reasonable times, to the public prisons, and to the examination without charge, of all public records within the county."*
2. PC 926(a) *"May (with the approval of the court) employ one or more experts for the purposes of Sections 925, 925(a), 928, 933.1 and 933.5 or any of them ..."*
3. PC 926(b) *"May (with the approval of the Board of Supervisors) employ expert auditors and appraisers to assist in the examination of the books, records, accounts, and documents, maintained and processed by the county assessor."*
4. PC 934 *"May at all times, ask the advice of the court, or the judge thereof, or district attorney, or of the county counsel."*

Accusations

The grand jury is empowered by Government Code 3060 to conduct a civil proceeding to remove a public officer by grand jury accusation. Although this proceeding is seldom used, grand jurors should be aware of it. This power, along with the power to subpoena witnesses, are the “teeth” the legislature has provided to assure grand jury effectiveness.

“An accusation, in writing against any officer of a district, county, or city, including any member of the governing board or personnel commission of a school district or any humane officer, for willful or corrupt misconduct in office, may be presented by the grand jury of the county for or in which the officer is accused is elected or appointed. An accusation may not be presented without the concurrence of at least 12 grand jurors.”

(Government Code Section 3060)

Penal Code Section 919 (c) requires:

“The grand jury shall inquire into the willful or corrupt misconduct in office of public officers of every description within the county.”

Experience has shown that charges of misconduct are easily made and may be unwarranted. Investigation based upon mere rumor, suspicion or conjecture will often interfere with the normal functioning of the public offices and unjustifiably undermine the public’s confidence in government. Investigation into such charges must proceed with extreme caution and discretion. Where misconduct is found, the grand jury may file an accusation leading to a trial. If the official is convicted, he is thereby removed from office. Very few accusations are filed.

The courts have never clearly defined what type of conduct will allow removal from office. They have clearly said that the conduct does not have to be criminal; it need only be willful. The courts have also said that any act of malfeasance⁵, misfeasance⁶ or nonfeasance⁷ in office is sufficient to support removal from office.

Examples of non criminal acts which should be sufficient to support removal are:

- Exercise of official power in a malicious, arbitrary or oppressive manner.
- Unauthorized use of public property.
- Failure to keep required records.

⁵ The doing of an act that is positively unlawful or wrong or the performance of a wrongful act that the person has no legal right to do.

⁶ The improper doing of an act that a person might lawfully do or the performance of a duty or act that one ought to or has a right to do but in a manner such as to infringe upon the rights of others.

⁷ The failure to act where duty requires an act or neglect or refusal, without sufficient cause or excuse, to do that which is the officer’s legal duty to do, whether willfully or through malice or willful neglect of duty.

- Destruction or withholding of records.
- Failure to perform duties of office.
- Neglect of duty due to intoxication or due to any other reason over a period of time.

The procedure for an accusation is substantially similar to that of an indictment, with the main difference being that the public official is not charged with a crime but rather with willful or corrupt misconduct in office. What constitutes willful or corrupt misconduct justifying such an accusation is a technical question upon which the grand jury would need legal advice. As indicated previously, very few accusations are ever filed.

During the grand jury hearing, the rights of the accused are protected by the same safeguards regarding sworn testimony and secrecy as in an indictment proceeding. A grand jury accusation is followed by a civil trial, and a conviction results in removal from office.

Prior to beginning an investigation, the grand jury should check with the District Attorney or County Counsel to verify the investigation is within the realm of authority.

Exceptions:

- Grand juries do not investigate complaints brought against judges. Any such complaints should be referred to the Commission on Judicial Performance, 101 Howard Street, Suite 300, San Francisco, CA 94105, (415) 904-3650.
- Removal from office for intoxication is processed under the provision of Government Code Section 3001.
- The grand jury is not permitted to bring accusations against public officials in chartered cities or counties where the charter provides an exclusive method for the removal of public officials.

Form of Accusation

"The accusation shall state the offense charged in ordinary and concise language, and without repetition." (Government Code Section 3061)

Delivery of Accusation to District Attorney

"The accusation shall be delivered by the foreman of the grand jury to the district attorney of the county, unless he is the officer accused." (Government Code Section 3062)

Judgment of Removal, Entry, Contents

"Upon a conviction and at the time appointed by the court it shall pronounce judgment that the defendant be removed from office. To warrant a removal, the judgment shall be entered upon the minutes, and the causes of removal shall be assigned therein."
(Government Code Section 3072).

The Grand Jury is a permanent public officer whose jurisdiction is to inquire into the conduct of public officers and to pronounce judgment upon the same. The Grand Jury is a permanent body, and its members are elected for a term of two years. The Grand Jury is a permanent body, and its members are elected for a term of two years. The Grand Jury is a permanent body, and its members are elected for a term of two years.

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Although the Grand Jury is a permanent body, its members are elected for a term of two years. The Grand Jury is a permanent body, and its members are elected for a term of two years. The Grand Jury is a permanent body, and its members are elected for a term of two years.

Review and Approval of Reports

Following the review of the report, the Grand Jury shall determine whether the report is correct and whether the Grand Jury is satisfied with the report. The Grand Jury shall determine whether the report is correct and whether the Grand Jury is satisfied with the report. The Grand Jury shall determine whether the report is correct and whether the Grand Jury is satisfied with the report.

Before a report is released, it must be reviewed by the Grand Jury and the Presiding Judge. The Grand Jury shall determine whether the report is correct and whether the Grand Jury is satisfied with the report. The Grand Jury shall determine whether the report is correct and whether the Grand Jury is satisfied with the report.

The report is entered in the minutes of the Grand Jury. The Grand Jury shall determine whether the report is correct and whether the Grand Jury is satisfied with the report. The Grand Jury shall determine whether the report is correct and whether the Grand Jury is satisfied with the report.

FINAL REPORTS

Reports During the Term of Service

The purpose of reports is twofold: to inform the public and to recommend changes to the appropriate agencies and the responsible public officials where indicated. The final report on each issue studied is the primary means for achieving the work of the grand jury. A grand jury may, and often does, issue reports at various times throughout the term of service. Such reports, when they are submitted to the Presiding Judge for approval and subsequent public release, are considered *Final Reports*.

These reports may be particularly valuable for several reasons. A report published early in the grand jury's term means that the subject agencies will have to respond to the report during the grand jury's term. This in turn allows the grand jury to take further action, if needed. Reports issued at various times throughout the year can also serve to encourage public interest in the grand jury process.

Although reports may be issued at any time during the term, such reports will also be republished and included in the *Final Report* at the end of the term of service. If appropriate, the *Final Report* should also contain responses received and/or updated information to the report.

Review and Approval of Reports

Following committee approval, the committee chairperson submits each final report to the full grand jury for approval, specifying a deadline, normally one week later, for comments, corrections, or objections. Each member of the grand jury is asked to read the report carefully and respond with comments by the due date. If substantive changes are indicated, the committee chairperson provides a revised report for approval first by the committee and then, again, by the full grand jury. Before seeking final approval, the committee chairperson discusses the changes and the reasons for them.

Before a report is released, review by County Counsel and the Presiding Judge are required. As soon as a report has been approved by the full grand jury, the foreperson sends a request for approval letter to County Counsel and the Presiding Judge, which may be done concurrently.

The report is returned to the committee which wrote it for incorporation of any changes suggested by County Counsel and the Presiding Judge. If significant changes have been made, the committee and the full grand jury must act on it once again. When this has been accomplished, the committee chairperson determines the report distribution by

adding the names and addresses of the additional people to whom the report is to be sent to and prepares a *Request for Response* for each of the persons to whom a response is requested. The letter should cite the sections of the Penal Code which specify the time and format of the response. It also should request that the response be submitted in hard copy, as well as electronically to the grand jury and the county's webmaster for incorporation into the grand jury's Internet site (<http://grandjury.marin.org>).

The foreperson (or his/her designee) initiates publication of the report by sending the document to the grand jury's administrative assistant, who will handle the report distribution.

Final Report

No later than the end of the fiscal year, the impaneled grand jury will submit to the Presiding Judge a *Final Report* of its findings and recommendations that pertain to matters within the grand jury's jurisdiction.

The report, with respect to the grand jury's civil duties, is a compilation of all reports prepared by the grand jury throughout the year and reflects the grand jury's accomplishments. It is important to note that the reports in the *Final Report* are identical to the reports as they were released to the public. No changes can be made to the content or wording of a report after its release. However, in preparing the report for reproduction, formatting changes, such as type font, type size, margins, and similar features, may be made to give the reports a consistent appearance.

The law requires that the grand jury shall make "no report, declaration, or recommendation on any matter except on the basis of its own investigation of the matters made by such grand jury." It follows, therefore, that the conclusions and recommendations expressed by the grand jury in its report must be based on substantiated and factual data, i.e., findings, compiled during the course of its investigations.

Under common law, the grand jury may not criticize government officials except when such criticism is accompanied by recommendations for improvement. Although this requirement is not specifically set forth in the California statutes, it is obvious from the language employed that the grand jury's function is primarily constructive and its report should therefore contain recommendations to resolve or improve the problems or deficiencies which the grand jury may encounter in the course of its investigations. This concept is particularly important in relation to the Penal Code, which states:

"If any grand jury shall, in the report above mentioned, comment upon any person or official who has not been indicted by such grand jury such comments shall not be deemed to be privileged".

This means that members of the grand jury are not immune from suits for libel in connection with any statements made in their report. Therefore, care must be exercised to ensure that all statements contained in the report are substantiated, accompanied by appropriate recommendations, and are consistent with the grand jury's statutory authority.

Again, there is no standard format for the contents of the *Final Report*, therefore the following are suggestions:

- Introduction
 - ⇒ Foreperson's Letter
 - ⇒ Marin County Grand Jury Officers & Committees
 - ⇒ List of Grand Jury Members
- Report Body
 - ⇒ Reports by Committee
 - ⇒ Miscellaneous or Special Reports
 - ⇒ Appendix

Distribution of the *Final Report* is handled by the grand jury's administrative assistant and consists of the following:

Required:

- Presiding Judge
- Heads of all departments and agencies affected by the report

Courtesy Copies:

- The Board of Supervisors
- The County Administrator
- Districts and cities affected by the report
- Public Libraries
- Schools
- The Media

Report Format

The report formulation actually begins when the individual committees initiate their investigations and interviews. Findings, conclusions, and recommendations contained in the final report evolve as the respective committees pursue their objectives.

Reports are the end product of an investigation and represent a consensus document. The report should define all terms since the reader of the report did not assist in the investigation and may not understand certain terms.

Since there is no standard format for a final report, the following sections offer suggestions:

- **Summary**

This section provides the reader with a quick overview of the report and can often serve as a press release to accompany the report when it is released. The summary should highlight the report's major findings and recommendations.

- **Background**

This section describes the context of the report's findings and gives the reader an understanding of the subject and of the data, circumstances, and events leading to the findings.

- **Findings**

This section is a critical section of the report and directly correlates with the recommendations. A *finding* is a statement that bridges the analytical gap between the evidence and the ultimate conclusion. A *finding* evolves from observations made and facts learned during the course of study. A *finding* is not a mere statement of fact; it is a conclusion based on fact. A *finding*, by itself or in combination with one or more findings, is the foundation on which a recommendation is made. Each finding should be succinctly stated and numbered.

- **Discussion**

This section provides a context or further explanation of the report's findings.

- **Commendations**

This section may be used to comment positively on a governmental agency's operations, policies or procedures.

- **Recommendations**

This section is the most important section of the report. Each recommendation must be based on at least one specific finding. The recommendation itself should flow from the findings and facts and be logical and specific. The recommended action should be achievable and feasible. Each recommendation should be numbered.

- **Requests for Response**

This section is used to request responses from governmental agencies to the report's findings and/or recommendations. A report which does not request specific responses to the findings and/or recommendations is referred to as an "informational report".

- **Methodology**

This section describes the techniques used to gather the information on which the report is based, e.g., interviews, questionnaires, site tours, meetings, and research. Titles of specific documents, books, articles, reports, and other publications examined should be listed in an Appendix or Bibliography.

- **Glossary**

This section defines the terms that may not be familiar to the lay public.

- **Bibliography**

This section lists the materials, e.g., books, articles, reports, websites, etc. that were examined for the purposes of the study.

- **Appendices**

This section is the place to put material that relates to the report, but that is not an essential, integral part of the main report. With some reports, it may be appropriate to include copies of pertinent reference materials, such as letters, Board of Supervisors resolutions, and excerpts from laws and regulations. Other items that might be included are tables, graphs, and illustrations that were not used in the main body of the report, but are of interest because they are relevant.

However, Penal Code Section 924.1 specifically prohibits the disclosure of any evidence, documentary or by way of testimony, adduced before the grand jury. The California Supreme Court in *McClatchy Newspapers v. Superior Court* (1988; 44 Cal.3d 1162, 245 Cal.Rptr. 774) also held that a grand jury cannot release "raw evidentiary materials" in a final report.

The Writing Process

Usually the committee members who conducted the research are the principal contributors to the early drafts of the report, though it is usually preferable to have the actual writing done by just one person. Each draft should be submitted to the entire committee for review and comment. After the committee has approved the draft, the report may then be submitted to the editorial committee and/or other grand jury members external to the committee. The purpose of the review is to improve the quality of the report and to increase the probability of a timely approval by the full grand jury.

Each time the content of the report is substantially revised, the report should be reviewed again by all committees and persons who previously reviewed it. Final approval by the full grand jury requires twelve affirmative votes. Once the grand jury has given its approval, the report is then forwarded to County Counsel and to the Presiding Judge for their review and approval. Generally speaking, County Counsel reviews the report for liability and consistency with the grand jury's statutory authority.

In drafting reports, all committee members should take an active role in questioning statements and checking facts and figures. Each member has the responsibility to challenge assertions and to ask for more evidence if the assembled facts do not make a clear case. A single source on a contested point is not enough. In fact, several sources may share the same opinion, but this does not make that opinion a fact. All sides should be considered. In the event of conflict between different criticisms, the majority of the committee rules, even on individual points, and even if the author is in the minority. Reports do not include minority opinions.

As a general rule, proposed factual findings should be reviewed with the subject of the investigation, prior to publication, to ensure factual accuracy. The confidentiality rule prohibits the grand jury from specifically disclosing any parts of the final report prior to official publication. However, factual findings can, and should be, reviewed with the subject of the report, in advance, to ensure accuracy. Further, Penal Code Section 933.05(e) now requires that the grand jury, during an investigation:

"... meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental".

One view is that the audience for a grand jury report consists principally of those to whom the report's findings and recommendations are directed. Consequently, some may think that a report can be loaded with jargon and obscure references because only the affected agency or official will read the report. However, another view is that a grand jury report is a public document that has been prepared by selected members of the public, convened as a quasi-judicial body. The report is distributed to the public through

the media and to libraries. If choosing between writing a highly technical report that can be understood only by readers with specialized knowledge and one that can be understood by a reasonably well educated member of the public, it is probably better to write for the public. Further, a clearly written, easily understood report is more likely to be reported on by the media.

The Role of the Editorial Committee

The Editorial Committee, in reviewing final reports, should apply the following criteria:

- Logic
- Readability
- Accuracy
- Consistency with report format guidelines
- Copy editing, such as grammar, sentence structure, spelling and punctuation.

The editorial committee may suggest organizational changes of the material. After the editorial review is completed, the report is returned to the committee, with the committee making the final determination as to whether the editorial committee's recommendations will be adopted. After changes are made, the final report draft is submitted to the full grand jury for review and approval. The grand jury should be given at least one week to review the report and must have a quorum to approve final reports. Once the grand jury has given its approval, the report is then forwarded to County Counsel and to the Presiding Judge for their review and approval.

A tracking system should be established to monitor the responses to the reports.

Media Releases

Usually, the foreperson or a designated spokesperson speaks for the grand jury. All questions from the media should be referred to the foreperson. The grand jury should approve all media releases. The grand jury should review with the appropriate legal advisor all media releases *before* they are released to protect against potential libel suits.

Grand jurors must be on guard against *undue* publicity. Many matters requiring grand jury action may be successfully completed only if absolute secrecy is maintained throughout the inquiry.

Media copy should be clear and concise and may be prepared as follows:

- Use the journalist's check list: who, what, when, why, where, and how. Answer all questions in the first paragraph.
- Typewritten and double-spaced copy on one side on white 8 ½ x11 paper.
- Identify the contact person in the upper right-hand corner of the first page with the name, address, and phone number. Typically, this will be the foreperson.
- Use short sentences, simple words, and brief paragraphs.
- Identify persons mentioned in the media release by first and last names, correctly spelled.
- Avoid grammatical errors, spelling errors, and abbreviations.
- Be irrefutably factual and keep statistics to a minimum.

RESPONSE MANAGEMENT

Responses to the Final Report

In 1996, the California Legislature passed SB 1457, which created Penal Code Section 933.05 effective January 1, 1997. Key provisions require that the responding officials or agencies must specifically comment upon each finding and each recommendation of the grand jury report, rather than preparing a generalized response. Each published finding must be acknowledged by the subject agency as correct or incorrect. Explanations must be provided and disagreements explained.

Penal Code Section 933(c) states:

“Not later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elective county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations ...”

Note that only the “governing body” or an “elected county officer or agency head” are required to respond to grand jury reports. Hence, a county department head or a city manager, for instance, unless they also happen to be elected officials, such as the Sheriff or District Attorney, cannot be required to respond to a grand jury report.

Note, as well, that the 90-day deadline applies to the “governing body” required to respond to a grand jury report, while the 60-day deadline applies to an “elected county officer or agency head”.

A governing body, such as the Board of Supervisors, may elect to adopt a department head’s response to a grand jury report as its own response. Pursuant to a 1998 opinion of Marin County’s County Counsel, this practice is acceptable as long as it is clear that the governing body has adopted the department head’s proposed response as its own official response to the grand jury report.

Penal Code Section 933.05(f) requires that the grand jury provide the “affected agency a copy of the portion of the grand jury report relating to that person or entity *two working days* prior to the public release” and also prohibits the affected agency or officer from disclosing “any contents of the report prior to the public release of the final report”. The grand jury should specifically advise the subject of a grand jury report of this statutory requirement when the report is initially transmitted to them, since press leaks have occurred during the 2-day period when the grand jury itself is prohibited from publicly commenting on the contents of a report.

Content of Responses to Grand Jury Reports

Penal Code Section 933.05 provides that for each grand jury *finding*, the responding person or entity shall indicate one of the following:

- The respondent agrees with the finding.
- The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

For each grand jury *recommendation*, the responding person or entity shall report one of the following actions:

- The recommendation has been implemented, with a summary regarding the implemented action.
- The recommendation has not been implemented, but will be implemented in the future, with a time frame for implementation.
- The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
- The recommendation will not be implemented because it is unwarranted or unreasonable, with a supportive explanation.

If a finding or recommendation addresses budgetary or personnel matters of a county agency or department headed by an elected officer, then both the agency/department head and the Board of Supervisors are required to respond if requested by the grand jury. However, the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has decision making authority. (Penal Code Section 933.05(c)).

Drafting Requests for Response and Follow-up

Report preparers need to think carefully about what response they desire from the targeted officials and draft their findings and recommendations accordingly. Specifically worded recommendations, as opposed to broad generalizations, are more likely to elicit an appropriate response.

Once received, responses should be analyzed for fundamental compliance with Penal Code Section 933.05. Ordinarily, a follow-up letter from the foreperson should be sufficient to obtain statutory compliance from the affected agency or individual. A complete failure to respond or a totally inadequate response should be referred to the Presiding Judge for follow-up.

When responses are received from a report issued by the prior year's grand jury, copies of those responses should be transmitted to the Chairperson(s) of the prior year's committee, which issued the report, for comment and analysis. The grand jury can then decide, initially at the committee level or through a specially designated "Response Follow-up" or "Continuity" committee, whether further steps should be taken to require further response, to restudy the issue, or take other appropriate actions.

Each response should be filed in *Final Report Response Book*, which is typically maintained by the pro-tem and kept on the grand jury's bookshelf. The *Final Report Response Book* is organized by committee and each final report is followed by its responses and the analysis.

Responses are public-access documents and copies must be maintained by both the grand jury and the County Clerk. The grand jury is required to maintain copies of the responses for a minimum of 5 years (Penal Code Section 933(b)).

GLOSSARY OF WORDS AND PHRASES

Accusation	A non criminal process under Government Code 3060 that a grand jury can initiate to remove a public officer from office for misfeasance, malfeasance, or nonfeasance.
Accuse	To charge someone formally with committing a crime.
Acquittal	A finding in court that the defendant is innocent of the charged offense and can therefore be set free.
Ad hoc	For a particular purpose and usually for a limited time, as an ad hoc committee of the grand jury.
Admonition	Warning given to witnesses, jurors, or attorney.
Allegation	The matter which one expects to prove in court.
Amend	The process of removing a defect or deficiency.
Appeal	To ask a higher court to review a decision of a lower court. Courts that have this general function are "appellate courts".
Appellate Court	A court, which, to some extent, is empowered to review decisions of a lower court.
Appointed counsel	An attorney that the court appoints to represent a defendant.
Arraign	Charging a person in court with a crime.
Attestation	Affirming that something is true; usually part of the format of a legal document.
Bail	Money that defendants post to guarantee a later appearance in court.
Bench warrant	A process by which a court requires the appearance of someone who has ignored a subpoena or who has not responded to it.
Bona fide	In good faith.

Brown Act	A state law that forbids certain local government elected bodies from holding secret meetings and regulates the holding of executive sessions. Named after former Assemblyman Ralph M. Brown. Reference: " <i>Secret Meeting Laws & Public Agencies</i> ", Legal Information Center, California Department of Justice, April 1, 1981.
CALJIC	California Jury Instruction Criminal
C.A.O.	Chief Administrative Officer. A person whom the Board of Supervisors employs to assist it in administering a county. The term is also found in city government.
Capital offense	A crime punishable by death.
C.D.C	California Department of Corrections. A state agency that is in charge of the prison system for adult prisoners.
Certification	A process by which a lower court can certify a person to superior court for sentencing.
CGJA	California Grand Jurors Association. A non-profit organization composed of sitting and former grand jurors to promote the training, use, and interests of grand juries.
Charge	A formal allegation that a person has committed a specified offense or offenses.
Charter	A method by which a city or county can acquire more control (sometimes called "home rule") over its affairs (see "General Law").
Citation	A judicial summons.
Civil proceeding	In contrast to criminal proceedings, a court action initiated to correct a private wrong, usually where monetary damages are assessed or a court order is issued to achieve some form of relief.
Common law	Laws based on custom and prior judicial decisions.

Complaint	A verified written accusation that a prosecuting official files in a local criminal court to charge one or more persons with committing one or more offenses.
Conclusion	A conviction reached in consequence of investigation. A practical determination, decision.
Consent agenda	A list of non controversial or routine matters a public body can approve in one motion
Conspiracy	An agreement to commit some action which is unlawful; conspiracy, thus, may itself be unlawful in a given state.
Constitution	The basic written law of our federal and state governments.
Contempt of court	Willful disobedience or disregard of the authority of the court.
Conviction	A judgment that a person is guilty of a charged criminal offense; determined by jury verdict, by a judge, or a plea of guilt.
Corroborate	To strengthen or support with additional evidence, usually from another source; do not confuse this term in meaning or pronunciation with "collaborate".
Counsel	A lawyer or lawyers engaged in a cause in court, an advocate.
C.R.C.	California Rehabilitation Center. An institution of the California Department of Corrections for the treatment of persons addicted to narcotics or who are in danger of such addition.
CSAC	An informal term for California Association of Counties.
Custody	The care and control of a thing or person. (The term is very elastic and may mean actual imprisonment or physical detention or mere power, legal or physical, of imprisoning or taking manual possession.)
C.Y.A.	California Youth Authority. A state agency whose inmates are wards of the juvenile court and other types of persons whom justice, municipal, and superior courts have committed to it.

Defendant	A person against whom a criminal proceeding is pending.
Deponent	A person who gives a deposition.
Deposition	Sworn testimony taken in writing by a certified court reporter.
Detention	Temporarily incarcerating someone pending action in court.
Dismiss	To terminate further judicial consideration of a particular case.
Disposition	The formal decision of a court in a case.
Dissolution	Act or process of dissolving, termination, winding up. (In a marriage, the term does not include annulment.)
District Attorney	The chief law enforcement officer of the county; the top prosecuting official. In California, an elected official.
Discovery	The process by which one party acquires information that another party has in a legal matter.
Duces tecum	A writ which requires one who has been subpoenaed to bring with him to court certain specified evidence (e.g., documents, reports).
Due process	The orderly sequence of events by which a person's constitutional rights are safeguarded in a criminal prosecution.
Elements, of crime	Each criminal statute contains specific words or phrases that precisely define what must be proved before, in the eyes of the law, a crime has been committed. "Force" and "fear", for example, are elements of the crime of robbery.
Embracery	A juror who has accepted a bribe is guilty of embracery.
Entities	As used in public administration, a broad term for any kind of local or state government political subdivision, thus, cities, special districts, and joint power agencies are referred to as "entities". Note that entities may or may not be governments with elected officials but are sometimes only the creations of such bodies.

Escheat	Escheated property is that which has reverted to the state because no one has legally claimed it.
Evidence	Legally accepted material used in a case.
Exculpatory	Evidence that provides someone with excuse or justifies a claim of innocence (from a Latin word meaning, "remove blame from").
Executive session	A meeting that complies with applicable statutes but is closed to the public.
Exhibit	Object or paper used in court cases to establish proof.
Exonerate	To relieve someone from guilt and responsibility in a civil matter.
Felony	A violation punishable by a sentence to a state or federal prison or by death, being thereby more serious than a misdemeanor.
Final Report	The report a grand jury issues at the end of its term or during its term about its findings, conclusions, and recommendations.
Findings	Conclusions as to matters of fact arrived at through testimony heard before an official or a court.
Forensic	Relating to the courts, e.g., forensic medicine is the application of medical science to court issues.
Forfeiture	A penalty involving the loss of goods or property.
General law	A city or county governed by the general laws of the state rather than its own charter (see "charter").
General session	A regularly scheduled meeting of the entire grand jury.
Grand jury	A judicially appointed group of men and women with general investigatory powers, and the power of indictment, which is not used in all counties.

Habeas corpus	A legal document requiring officials to bring a prisoner before the court to decide whether the person is being lawfully held in custody.
Halfway house	A temporary residence for persons just released from some kind of institution.
Hawkins decision	A decision of the California Supreme Court in 1979 that resulted in the diminished use of the indictment from 1980-1990.
Hearing	Court procedure.
Hearsay evidence	That which is made other than by a witness while testifying in court. It is usually not admissible as evidence.
Impanel	To draw jurors from the citizenry and qualify them for jury service.
In camera	In privacy or secrecy.
Incorporated city	A city created under state laws governing incorporation.
Indictment	A finding, in a secret meeting of the grand jury, using the standard of strong suspicion, that a named suspect should be charged with the commitment of a crime.
Information	A method by which a District Attorney may initiate prosecution for felony in a superior court.
Infraction	A minor violation, less than a misdemeanor, for which a fine or some penalty other than incarceration is imposed.
Interim report	A report a grand jury issues about a specific topic during the grand jury's term; the law does not require affected government officials to respond to it until it is included in the Final Report.
Investigations, civil	Inquiries by grand juries into non-criminal matters within their jurisdiction.
Investigative functions	Techniques such as interviewing, auditing, and observing that the grand jury uses to gather data for civil investigations.

Jail	A city or county institution that confines persons found guilty of misdemeanors or in which persons are held for arraignment or during trial.
Joinder	Joining several parties or causes of action in a single suit.
Joint powers agencies	Legal entities that two or more local governments may create by contract to perform a function common to both or all parties.
Jurisdiction	Subjects or geographic territory over which the court or grand jury has authority.
Jurist	Use this term to refer to judges or other legal experts but not jurors. One is a grand juror, not a grand jurist.
Juvenile Court	The law court where cases involving delinquent and neglected children are tried.
LAFCO	Local Agency Formation Committee. A local body appointed for a variety of purposes, including the review of efforts to incorporate cities, change boundaries, and the like.
Liability	The risk borne by grand jurors for the improper exercise of their powers.
Libel	The written form of defamation of character.
Malfeasance	An abuse of power or responsibility by a public officer (see "accusation").
McClatchy case	A California Superior Court case dealing with certain matters crucial to grand jury proceedings, such as secrecy, "raw evidentiary material", and the authority of the courts over grand jury final reports.
Minority report	A dissenting report by one of more grand jurors. There is no statutory basis for publishing such reports. They are traditionally not permitted in Marin County.
Misdemeanor	A violation punishable by a sentence to county jail for no more than a year.

Misfeasance	Incorrectly or unlawfully executing a lawful duty, act or responsibility (see "accusation").
Moral turpitude, crime of	An odious, disgusting or offensive act.
Municipal Court	The court of original or trial jurisdiction for the prosecution of persons accused of misdemeanor or certain felony offenses.
Nonfeasance	A public official who does not do what is lawfully required may be guilty of nonfeasance; generally, willful neglect of duty (see "accusation").
Oath	A declaration of truthfulness made before a court.
Offense	A legal term for violation of a criminal code.
Opinions, legal	Oral or written advice from legal authorities regarding legal principles, issues, or questions.
Ordinance	A statute of a city, village, township, county or special district.
Own recognizance	"O.R.", a court decision to release a person on his or her promise to appear in a court; an alternative to posting bail.
Panel	The entire grand jury, rather than one or more jurors or grand jury committees.
Parole	Release from prison, but still within the custody of the court, after serving part of a sentence.
Penal code	A codification of many statutes that specify crimes and penalties.
Perjury	Willfully making a false statement under oath.
Petit jury	A trial jury ordinarily consisting of twelve jurors representative of the general population, as opposed to a grand jury, which is larger and frequently not representative of the general population.
Plaintiff	A person who institutes a civil, rather than a criminal law suit.

Plea	An answer to an indictment or allegation.
Plea bargaining	A process by which the defense counsel and prosecutor meet to agree on how the defendant shall plead.
Polygraph	An instrument designed to detect and record physiological changes that accompany deception, commonly called a lie detector.
Preliminary hearing	A hearing at which a judge determines whether the evidence of an alleged crime justifies a trial.
Presentment	Written notice by a grand jury to the court of an alleged wrongdoing.
Presiding Judge	The judge who is elected by colleagues to serve as the administrative head of the superior court for a year; sometimes informally called the "P.J.".
Prima facie evidence	Evidence which, unless controverted, will prevail in establishing a fact.
Prison	A state institution incarcerating persons found guilty of felonies. Not a synonym for jail.
Privileged communications	Information communicated between certain people (husband and wife, priest and penitent, doctor and patient, lawyer and client, etc.) and which cannot be used in court as evidence.
Probable cause	A state of facts to warrant the belief that an accused person committed the crime charged.
Probation	A sentence option by which convicted offenders can remain out of prison, on terms of good behavior; revocation on probation can occur if the probationer violates the court-dictated terms of probation.
Prosecute	To present a case before the court to establish guilt.
Public defender	An appointed (or elected) lawyer charged with defending persons who have been accused of committing a criminal offense and who cannot afford to hire private counsel.
Putative	Something that is supposed or reputed to be.

Quash	Discharging or annulling a legal process, e.g., an indictment, order or conviction.
Quorum	The number of grand jurors the law requires to conduct business.
Recidivist	One who repeats a similar crime many times or who is otherwise a habitual offender.
Recommendation	Opinion; advice.
R.F.P.	Request for Proposal. An announcement, usually in writing, by a local government that it wishes to obtain designated professional services.
Search warrant	A judicial order authorizing a peace officer to conduct a search of a specified area to obtain certain unlawful objects or materials which may be therein concealed.
Slander	The spoken form of defamation of character.
Special Legislative District	<i>" ... any agency of the state for the local performance of governmental or proprietary functions within limited boundaries. This includes a county service area, a maintenance district or area, an improvement district or improvement zone, or any other zone or area, formed for the purpose of designating an area within which a property tax rate will be levied to pay for a service or improvement benefiting that area. Special Legislative District does not include a city, a county, a school district or a community college district. School districts are special-purpose assessing or taxing districts."</i> (Opinion 93-113, Ops. Cal. Atty. Gen. P. 292, (1995)).
Statute	Law established by a state or federal legislative body.
Statute of limitations	Time within which prosecution must begin.
Stipulation	A term or issue in an agreement.
Subpoena	An order to appear to give sworn testimony or to surrender records.
Summons	Order to appear in court.

Sunshine laws (ordinances)	Statutes that try to ensure that the government operates openly for the citizenry rather than the self-interests of elected or appointed officials.
Superior Court	The court of original or trial jurisdiction for felony cases and juvenile hearings.
Target	Jargon for the person who is being investigated.
Tort	A civil wrong or injury, as opposed to a crime which is a public wrong.
True bill	Having received an allegation against some person or persons, a grand jury may declare it to be a “true bill” and direct it to a prosecuting official for further prosecutive action.
Unincorporated areas	Communities that have not gone through the legal process of becoming municipal corporations, usually under county/special district jurisdiction.
Verdict	A decision about guilt or innocence that the jury reports to the court.
Waiver	Knowingly and intentionally relinquishing a legal right.
Warrant	A judicial written process requiring that specified action be taken in accordance with the law.

Appendices

1. Form: "Committee Preference Sheet"	1
2. Form: Marin County's "Complaint"	2
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CIVIL GRAND JURY OF MARIN COUNTY

Hall of Justice - Civic Center

P. O. Box 4988

San Rafael, California 94913-4988

CHECK LIST TO BE PRESENTED AT THE SECOND MEETING

Name _____

Address _____

Phone _____

Three Committee Assignments	1 st CHOICE	2 ND CHOICE	3 rd CHOICE
Audit and Finance			
Criminal Justice			
Editorial			
County Government And Administration			
Grand Jury Review And Procedures			
Health			
Information systems & Services			
Planning and Environment			
Public Buildings			
Social Services			
Telephone			



CIVIL GRAND JURY OF MARIN COUNTY

Hall of Justice - Civic Center
P. O. Box 4988
San Rafael, California 94913-4988

REQUEST FOR INVESTIGATION BY THE MARIN COUNTY CIVIL GRAND JURY

The Civil Grand Jury of Marin, in an attempt to carry out its duties, encourages the comments and/or concerns of all Marin County citizens relating to local and county government and the conduct of Marin public officials.

All Grand Jury members have taken an oath of secrecy with respect to investigations of county government. Therefore, citizens can be assured that their names will not be used during the course of a department review. Even at a later date the minutes of Grand Jury meetings are not available to anyone and cannot be subpoenaed.

Mail this form to:

Foreman of the Marin County Civil Grand Jury
Hall of Justice - Civic Center
San Rafael, California 94903

Name _____ Date _____

Address _____

Telephone Number _____

Give a brief summary of the problem (agency involved, person/s to be questioned, dates, etc.)
Use the back of this form or another sheet if needed:

(Your signature) _____

Certain matters are of such a sensitive nature that citizens are reluctant to put details of their concerns in writing. Realize though that for an investigation to be initiated, the Grand Jury must consider the validity of each request. Therefore, please include any pertinent correspondence, documents, dates, names and facts. If necessary, you may be asked to participate in an absolutely confidential interview with members of the Grand Jury. Anonymous submissions will not be considered.

Remember to read the Grand Jury annual reports available at your local library.

COMMITTEE REQUEST FOR APPROVAL OF A STUDY

TO: 1999 MARIN COUNTY CIVIL GRAND JURY

DATE: _____

FROM: _____ Committee

ISSUE NO. _____

TITLE:

ISSUE

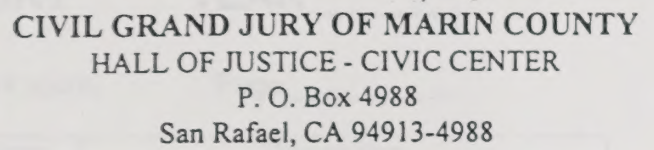
OBJECTIVE

MOTIVATION

PLAN OF ACTION

SUBMITTED BY: _____
(Committee Chairperson)

APPROVAL: _____ DATE: _____



FINAL REPORT RECORD

[illegible]

YEAR _____

Page _____

[illegible]

MAJIN COUNTY CIVIL GRAND JURY

MONTHLY ATTENDANCE and MILEAGE RECORD

NAME _____

STANDARD MILES _____

(to & from Civic Center)

MONTH _____

[illegible]

**If more than 2 meetings occur on the same day, use another date line but count only 1 day in the total.*

CIVIL GRAND JURY TRAINING EVALUATION

Subject: _____

Instructor: _____

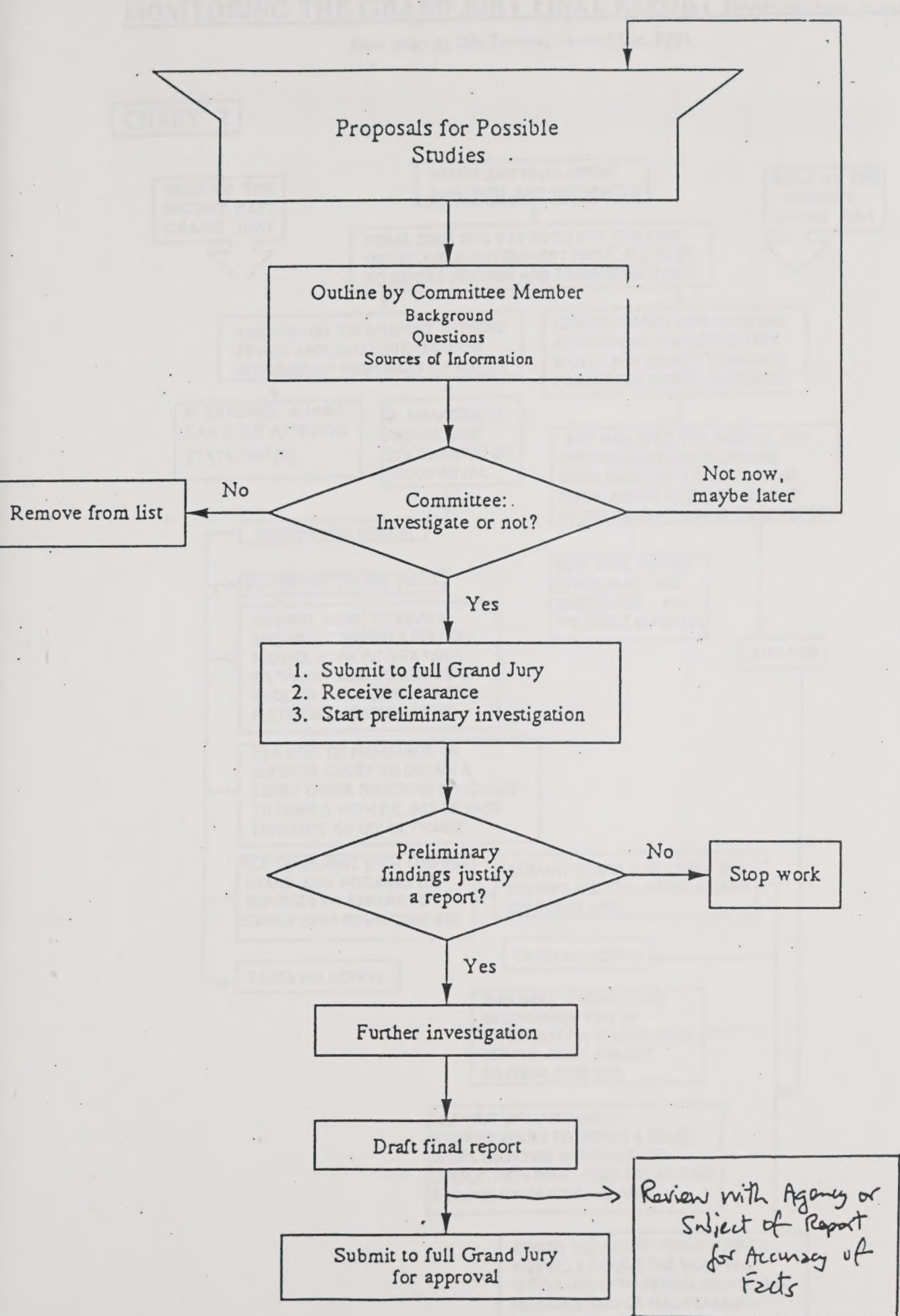
Date: _____

Your Name (Optional): _____

Please circle the number that best represents your opinion on questions 1-4 and complete the statement with your opinion on questions 5-7.

	Strongly Disagree				Strongly Agree
1. The instructor was prepared.	1	2	3	4	5
2. The instructor was knowledgeable about the subject.	1	2	3	4	5
3. The course/presentation met or exceeded my expectations.	1	2	3	4	5
4. Would you recommend this course/ presentation to the next Grand Jury?	No	Yes with reservations Yes			
5. The best thing about this course/presentation was:	_____				
6. If I could change one thing about this course/presentation, I would:	_____				
7. Other suggestions or comments:	_____				

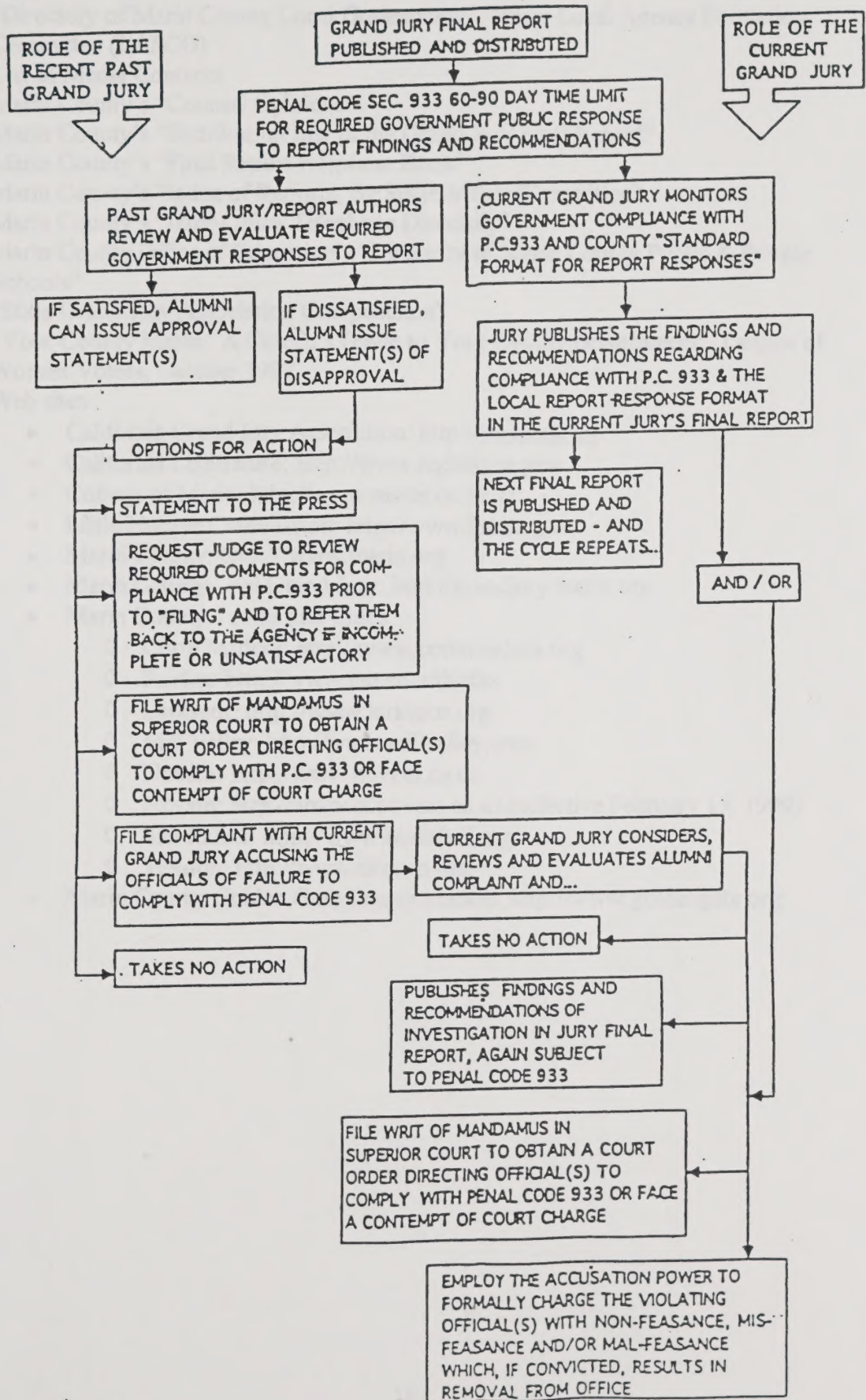
Thank you for your help.



MONITORING THE GRAND JURY FINAL REPORT RESPONSE PROCESS

Flow chart by Dan Taranto, revised Aug. 1991

CHART 2



List of Reference Materials

1. "Directory of Marin County Local Government", Marin Local Agency Formation Committee (LAFCO)
2. List of Media Contacts
3. Marin County's "Counsel Opinions"
4. Marin County's "Distribution List of the Grand Jury Final Report"
5. Marin County's "Final Report Response Book"
6. Marin County's "Index of Reports, By Subject/Year/Committee"
7. Marin County's "Inter-Office Telephone Directory"
8. Marin County Office of Education's "Directory of Marin County Public & Private Schools"
9. "State Grand Jury Association Compendium"
10. "Your County Marin: A Citizen's Guide to Your County Government", League of Women Voters, October 1997.
11. Web sites
 - California Grand Jury Association: <http://www.cgja.org>
 - California Legislature: <http://www.leginfo.ca.gov>
 - College of Marin: <http://www.marin.cc.ca.us>
 - Little Hoover Commission: <http://www.lhc.ca.gov>
 - Marin County: <http://www.marin.org>
 - Marin County Civil Grand Jury: <http://grandjury.marin.org>
 - Marin County Towns and Cities
 - ◊ Corte Madera: <http://www.cortemadera.org>
 - ◊ Fairfax: <http://www.mo.com/fairfax>
 - ◊ Larkspur: <http://www.larkspur.org>
 - ◊ Mill Valley: <http://www.millvalley.com>
 - ◊ Novato: <http://www.novato.ca.us>
 - ◊ Novato: <http://www.ci.novato.ca.us> (effective February 15, 1999)
 - ◊ San Rafael: <http://www.sanrafael.org>
 - ◊ Tiburon: <http://www.tiburon.org>
 - Marin County Golden Gate Transportation: <http://www.goldengate.org>

Elected Officials

- Supervisors
- Assessor
- Recorder
- Auditor/Controller
- Coroner
- County Clerk - Registrar of Voters
- Court Judges
- District Attorney
- Sheriff
- Treasurer/Tax Collector

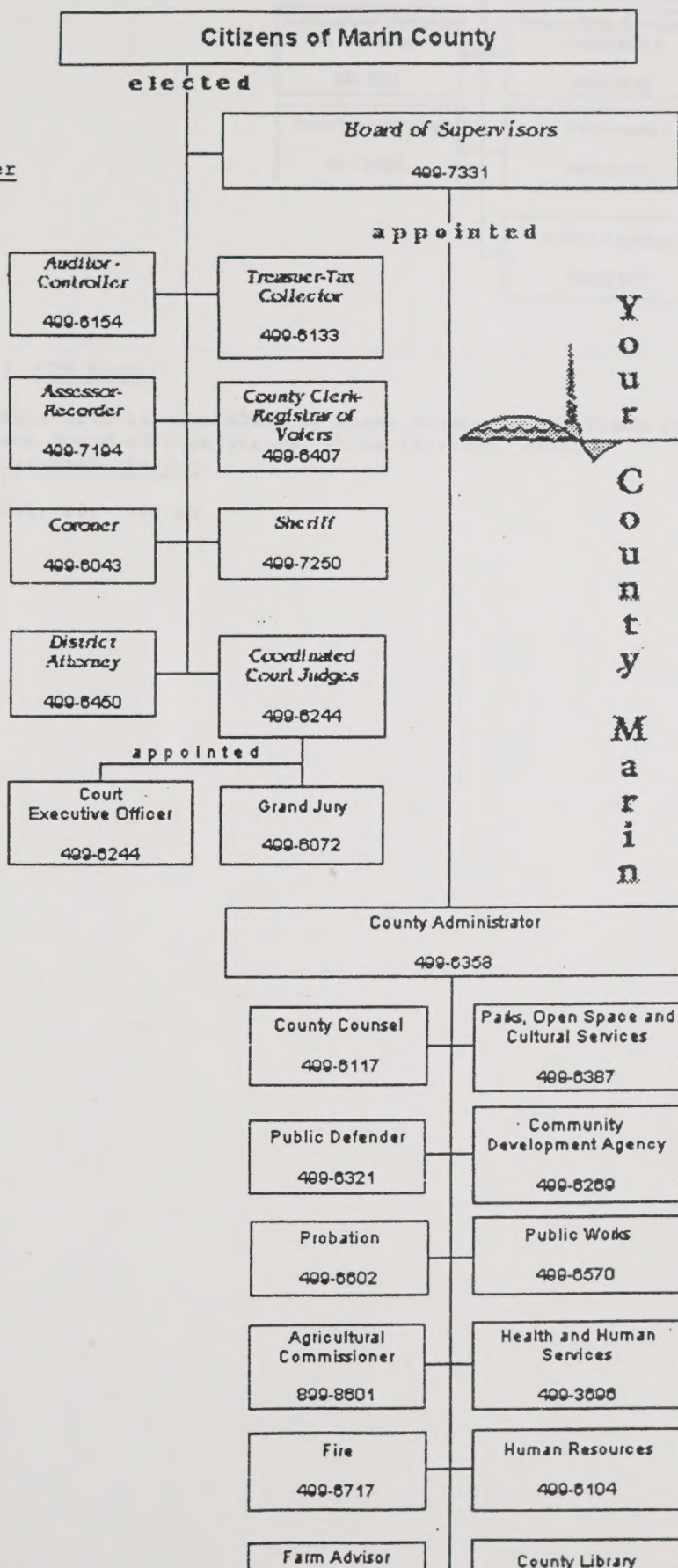
Appointed Officials

Courts

- Court Executive Officer
- Grand Jury

Board of Supervisors

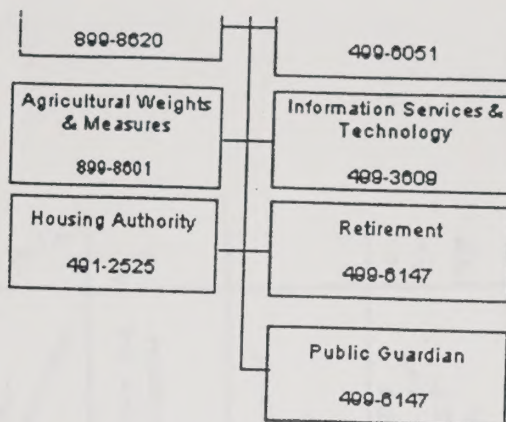
- Administrator
- Agricultural Commissioner
- Agricultural Weights and Measures
- Community Development Agency
- County Counsel
- County Library
- Farm Advisor
- Fire
- Health and Human Services
- Housing Authority
- Human Resources
- Information Services and Technology
- Parks Open Space and Cultural Services
- Probation
- Public Defender
- Public Guardian
- Public Works
- Retirement



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| [YCM home](#) |

This site is maintained by Diane Sauer, Deputy Clerk of the Board of Supervisors. Phone 499-7331, e-mail: dsauer@marin.org.

July 26, 1997 sm

LETTERS OF COMPLAINT LOG

COMPLAINT NUMBER	DATE LOGGED	ASSIGNED COMMITTEE	DATE COMPLAINT RECEIVED	COMPLAINT DESCRIPTION AND/OR COMMENTS	ACTION DECIDED ACTION TAKEN	DATE
29	8-13	H + H S	8-13	ALCOHOL + ABUSE FACILITIES	"NO ACTION" LETTER	OCT 24
30	9-10	A + F	9-3	SEWER CHARGES PASSED THRU TO RENTERS	THANKS BUT NOT OUR JURISDICTION	10-5-90
31	9-24	L + J	9-16	MEDICAL MARIJUANA	NOT WITHIN OUR JURISDICTION	OCT 14
32	9-24	A + F	9-11	COVER-UP BY DEVELOPER RE FAIR FAX	NO RESPONSE	
33	10-8	ENV	9-28	OPEN SPACE TRAILS	LETTER TO GROWING - GOT CAN'T GET INVOLVED.	10-25-98
34	10-8	A + F	9-30	NOVATO BUILDING DEPT.	THANKS BUT YOU HAVE OTHER RESOURCES THAN CITY	1-27-90
35	9-8	NO COMMITTEE	10-22	SANTA CLAUS	NO RESPONSE	
35x	11-12	NO COMMITTEE	11-3-	" "		

**DISTRIBUTION OF GRAND JURY
FINAL REPORT
Total = 181**

EACH GRAND JUROR = 19
Judges & Commissioners = 14
Board of Supervisors = 5
County Administrator = 1
Local Press = 19

Assessor-Recorder

Auditor - Controller

Agricultural Commissioner

Agency on Aging

Citizens Services Office

Coroner

County Clerk

County Counsel

Data Processing

District Attorney

Emergency Services Office

Farm Advisor

Fire Department

General Services

Insurance Department

LAFCO

Law Library

Marin Community Foundation

Marin County Dept of Education

Parks & Recreation Director

Personnel

Planning Director

Probation Director

SAMPLE

Public Defender	Public Works	Retirement Office
Sheriff	Transit district	Treasurer-Tax Collector
County Library (12)	Larkspur City Library 400 Magnolia Larkspur, CA 94939	Mill Valley Library 375 Throckmorton Mill Valley, CA 94941
San Anselmo Library 110 Tunstead San Anselmo, CA 94960	San Rafael Library 1100 E Street San Rafael, CA 94901	Sausalito Library 420 Litho Sausalito, CA 94965
College of Marin Library College Ave. Kentfield, CA 94904	Belvedere-Tiburon Library 6 Beach Rd Belvedere, CA 94920	Bolinas Library Wharf Road Bolinas, CA 94924
Corte Madera Library 707 Meadowsweet Dr. Corte Madera, CA 94925	Fairfax Library 2097 Sir Francis Drake Fairfax, CA 94930	Inverness Library 15 Park Avenue Inverness, CA 94937
Marin City Library Manzanita Center Marin City, CA 94965	Novato Library 1720 Novato Blvd., Novato, CA 94945	Point Reyes Library 4 th and A Pt Reyes, CA 94956
Stinson Beach Library 3470 Shoreline Stinson Beach, CA 94970	Senator John Burton 3501 Civic Center Dr. San Rafael, CA 94903	Assemblyperson Kerry Mazzoni Civic Center, San Rafael, CA 94903
Board of Directors Golden Gate Bridge Dist P.O.Box 9000 Presidio Station San Francisco, CA 94129	Marin Municipal Water District Manager 220 Nellen Avenue Corte Madera, CA 94925	North Marin Water District Manager 999 rush Creek Place Novato, Ca 94947

Marin Community College
College of Marin
Kentfield, CA 94904

Marin General Hospital Admin.
250 Bon Air Rd
Greenbrae, CA 94904

Marin Resources Conservation Dist
Farm Bureau Bldg
Point Reyes Station, CA 94956

Warden, San Quentin State Prison
San Quentin, Ca 94964

Dr Bruce Olsen
American Grand Jury Foundation
P.O. Box 1690
Modesto, CA 95353-1690

Marin Co board of Education
P. O. Box 4925
San Rafael, CA 94913

State of California
Superintendent of Public Instruction
P. O. Box 944272
Sacramento 94244-2720

Ross Valley School District
46 Green Valley Ct.
San Anselmo, CA 94960

San Rafael School District
2225 Woodland Avenue
San Rafael, CA 94901

Sausalito School district
630 Nevada St.
Sausalito, CA 94965

Novato School District
1015 Seventh St.
Novato, CA 94945

Tamalpais School District
P.O. Box 605
Larkspur, Ca 94977

Bolinas-Stinson Union School District
Star Route
Bolinas, CA 94924

Dixie School District
380 Nova Albion Way
San Rafael, CA 94903

Kentfield School District
699 Sir Francis Drake
Kentfield, CA 94904

Lagunitas School District
P.O. Box 308, San Geronimo, CA
94963

Larkspur School district
18 Magnolia
Larkspur, CA 94939

Mill Valley School District
411 Sycamore Avenue
Mill Valley, CA 94941

Nicasio School District
Nicasio, CA 94946

Reed School District
105-A Avenida Miraflores
Tiburon, CA 94920

Ross School District
P.O. Box 1058
Ross, CA 94957

Shorline Unified School District
P. O. Box 198
Tomales, CA 94971

California Grand Jurors Assoc.
%Ginger Reed
2424 North Park Blvd.
Santa Ana, CA 92706

1997 GRAND JURY REPORT/RESPONSE SUMMARY 1/2 of Penal Code 933.5 rev 29apr

Committee	Reports/ Requested Responses	Responses Received	1997 GJ Review	Response Deemed Adequate	Response Deemed Inadequate	Future Study
ADMINISTRATION AND CE	Employment Retirement System		3/16/98			(to comm 4/23)
	Board/Supervisors	X				
	Retirement Board	X				
	Retirement Administrator	X				
	County Treasurer	X				
	Dir of Human Resources	X				
	Capital Needs		3/17/98			see DPW plan dtd 2/10/98
	Board/Supervisors	X				
	Council/ Mayors & Couns	X				
	Fringe Benefits & Perquisites					
	Marty Nichols, CAO	4/8remind				
	Laura Armor	4/8remind				
	Board/Supervisors	4/8remind				
EDUCATION	Sausalito School District	Info only	Info only	Info only	Info only	No
	Students w/ Limited Engl	Info only	Info only	Info only	Info only	No
	Education Prog San Quentin		3/17/98			
	Art Calderon	X				
ENVIRONMENT	Emergency/Disaster Preparedness					
	Board/Supervisors	4/8remind				
	Sheriff	4/8remind				
	Hamilton Field	Info only	Info only	Info only	Info only	Potential
	Marin Cnty Airport (Gross)		3/17/98		Inadequate	1998 Restudy "
	Depart of Public Works	X				
	Comm Develop Agency	Excused				
	Board/Supervisors	X				
	Auditor Controller	X				
HEALTH & HUMAN SERVICES	Assessor Recorder	X				
	Job Training & Emplmnt Programs for Welfare Recipients	Info only	Info only	Info only	Info only	No
	Detoxification Services	4/8remind				
	Dir Dep Health & Human Serv					
	Suprvr Harry Moore					
LAW AND JUSTICE	Housing the Local Government Workforce	Info only	Info only	Info only	Info only	No
	Police Complaint Investigation and Oversight					
	Board/Supervisors	X				
	City Mgrs, Councils (11) (4recvd)	4/8remind				
	Police Chiefs (10) (2recvd)	4/8remind				
	Sheriff	X				
	Inspection of County Jail	Info only	Info only	Info only	Info only	Annually
	Juvenile Hall					
	Board/Supervisors					
	Chief Admin Officer					
	Probation Officer					
	Sheriff	X				
	San Quentin Report	Info only	Info only	Info only	Info only	Annually

1998-9 MARIN COUNTY GRAND JURY

GENERAL MEETING AGENDA

November 19, 1998

1. Call to order.
2. Roll call; approve 11/12 minutes and tentative agenda.
3. Announcements:
 - a. New complaint: No. 38, A. Lozano re failure to receive sample ballots.
 - b. Written policy re grand jurors speaking out on g/j matters?
 - c. Evaluation of Responses – revised report sent to Faulkner.
 - d. Reminder re December 3 meeting at water treatment plant.
 - e. Special thanks to Ed Schulze for our "surf and turf" social!!
4. Regular Committee Chairmen reports:
 - a. Administration and Finance - Don Schumacher
 - b. Education - Ted Freeman
 - c. Environment - Henri Lese
 - d. Health and Human Services - Dick Myers
 - e. Law and Justice - Mel Brown
5. Internal Committees:
 - a. Planning and Development - Norman Simon
 - b. Editorial - Jack Zepp
 - c. Social – Ed Schulze
6. Open Discussion
7. Adjourn



CIVIL GRAND JURY OF MARIN COUNTY

Hall of Justice - Civic Center
P. O. Box 4988
San Rafael, California 94913-4988

May __, 1999

Marin Healthcare District
C/o Dr. Diana Parnell, Chair
1100 South Eliseo Drive, Ste. 4
Greenbrae, CA 94904

Dear Dr. Parnell:

Enclosed please find a copy of the Grand Jury's final report entitled "The Marin Healthcare District and the MGH Corporation/Sutter: The Dispute Should be Resolved Promptly".

The Grand Jury requests that the Marin Healthcare District respond, in writing, to the Recommendation, on Page 7, of the Report. (Please note that we do not request that you respond to the Finding, located on the same page of the Report).

We will also enclose a copy of the pertinent sections of the California Penal Code pertaining to the 60 and 90-day deadlines for responding to the Final Report as well as the prescribed format for that response. In your case, the 90-day deadline is applicable.

With regard to grand jury findings, a respondent is required to indicate whether they agree with the finding and, if not, that portion of the finding with which they disagree in whole or in part with an explanation of the reasons therefor.

As to grand jury recommendations a respondent is required to indicate:

- 1) That the recommendation has been implemented, with a summary of the implemented action; or
- 2) That the recommendation has not been implemented, but will be implemented in the future, with a timeframe for implementation; or
- 3) That the recommendation requires further analysis, with an explanation of the analysis or study and a timeframe not to exceed six months from publication of the grand jury final report; or
- 4) That the recommendation will not be implemented, with an explanation thereof.

Please note, as well, that Penal Code Section 933.05(f) specifically prohibits any disclosure of the contents of the report, by the public agency or its officers or governing body, prior to

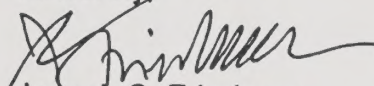
the public release of the final report (which does not occur until two days after transmittal of the report to the respondent(s)).

We also ask that, in addition to your written response sent to the Presiding Judge, you send us, along with a copy of your written response, an electronic copy, using an IBM-compatible diskette. Please note that if you choose not to submit a copy of your response in electronic format, it may not be included on the Grand Jury's Internet web site.

Please do not hesitate to contact the undersigned (at 381-8753) should you have any questions concerning this matter.

Your cooperation and assistance are very much appreciated.

Sincerely,


Joseph C. Friedman
Foreman

SAMPLE

§ 933. Findings and recommendations; comment of governing bodies, elective officers, or agency heads



• Historical Notes • Research References • Notes of Decisions

(a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. One copy of each report found to be in compliance with this title shall be placed on file with the county clerk and remain on file in the office of the county clerk. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.

(b) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

(c) As used in this section "agency" includes a department.

§ 933.05. Responses to findings



(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

(1) The respondent agrees with the finding.

(2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

(1) The recommendation has been implemented, with a summary regarding the implemented action.

(2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.

(3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decisionmaking authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

(d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.

(e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.

(f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

MARIN COUNTY CIVIL GRAND JURY



Hall of Justice
Civic Center

P. O. Box 4988
San Rafael, CA 94913-4988

February 5, 1999

Re: The Civil Grand Jury's Final Report on the Y2K Problem

On October 5, 1998, the Marin County Civil Grand Jury transmitted to you a copy of our Final Report concerning the Y2K problem entitled: "The Millennium: Is Marin County Ready for this Non-Negotiable Deadline?"

You are statutorily required, pursuant to Penal Code Section 933(b), to respond to the recommendations of this Final Report within 60 days if you are an elected county officer or agency head, or 90 days if you are the governing body of a public agency.

Furthermore, Penal Code Section 933.05 specifically requires that the responding person or entity comment, in a specific manner, with regard to grand jury findings and recommendations as requested in the Final Report. A copy of Penal Code Section 933.05 is enclosed for your reference.

Your response is now OVERDUE. We, accordingly, ask that immediate steps be taken to file your response with the Grand Jury, the Presiding Judge and the Board of Supervisors. We expect to hear from you within the next 10 days.

Please remember that your response should also be submitted in electronic format (preferably on diskette) if you wish the response to be published on the Grand Jury's web site.

Sincerely,

Joseph C. Friedman

Joseph C. Friedman
Foreman

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